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Ombudsman

Legislative Assembly
Province of British Columbia

The Honourable Claude Richmond
Speaker of the Legislative Assembly
Parliament Buildings, Room 207
Victoria, BC V8V 1X4

October 31, 2001

Dear Mr. Speaker:

It is my pleasure to present the Office of the Ombudsman's *2000 Annual Report.* This report covers the period January 1 to December 31, 2000.

This report has been prepared in accordance with section 31(1) of the *Ombudsman Act.*

Yours truly,

Howard Kushner
Ombudsman for the Province of British Columbia

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It is my privilege to present the *2000 Annual Report* of the Office of the Ombudsman for British Columbia. This has been a stimulating and rewarding year for me and my staff as we concentrated on working positively with a public service that is committed to principles of accountability, openness and administrative fairness. We understand and respect the important and often difficult work of those public servants. Their willingness to listen, acknowledge mistakes and seek ways to resolve problems warrant our recognition and regard.

The 2000 Annual Report is designed somewhat differently than the 1999 report. It has been designed to provide a better understanding of how our office operates within the framework of the *Ombudsman Act*. The Act defines what we can investigate and the basis upon which we can end an investigation. In this report, various sections of the Act are highlighted and case summaries are provided to illustrate how those sections are applied. I trust that after reviewing this report, readers will better appreciate the types of questions we ask ourselves when deciding what to investigate.

Statistics

In addition to the discussion of the Act and case summaries, I have also included a section containing statistical information about the office. In the year 2000, we received 10,905 intakes, which included 3,797 requests for information and 7,108 requests to conduct an investigation. This translates into approximately 200 intakes a week. These are received by telephone, mail, fax, in-person and now also by internet. At our website, *www.ombudsman.bc.ca*, we have provided a secure electronic complaint form which can be completed and sent on-line. Approximately 75 percent of the intakes are addressed by our nine-person Intake Team, usually within one working day of receipt of the request. The other 25 percent are assigned to an investigator for review and consideration.

During the year 2000, our 28 investigators were assigned approximately 2,570 new files and closed over 2,800 files (some of which were carried forward from the previous year). At the end of 2000 we carried 964 files into the new year. The majority of these files are less than a year old. We are reducing the number of files carried over from one year to

the next and are also reducing the number of older files (over one year old). To assist us in ensuring we are meeting our goals and are operating in an efficient and effective manner, we are developing a set of performance measures for our investigative and intake staff.

Internal Complaint Mechanisms

Over the past five years our total intake of files has been decreasing. There are a variety of possible explanations for the decrease. In part, I believe that this reflects better administrative practices and procedures being developed by authorities, both on their own initiative and as a result of our investigations. I also believe it is due to the increase in the number of internal complaint mechanisms being developed by authorities. I am a strong believer in the value of internal complaint mechanisms and in October 2001 our office released a report entitled *Developing an Internal Complaint Mechanism.* This report is intended to assist authorities in developing their own review process. As authorities develop such mechanisms, I would expect to see the number of complaints we receive continue to drop. However, I also believe that, as authorities address some complaints internally, the complaints that are left for us to investigate are more complex and difficult to investigate. These complaints have already been reviewed internally but the complainants still feel unfairly treated. Authorities, on the other hand, may feel they have made every effort to address the concerns of the complainants. Accordingly, positions and attitudes may have hardened. Consequently, complaints are often taking more time to investigate and more time to resolve.

Provincial Tour

The decreasing number of intakes may also reflect a lack of awareness of the scope of this office by members of the public. Our office has oversight responsibility in respect of a number of authorities which are not usually considered to fall within a provincial Ombudsman's jurisdiction. These include local and regional governments, colleges and universities, schools, hospitals and the self-regulating professions (such as lawyers, nurses and teachers). Accordingly, in 2001, I will be initiating a series of visits to various areas of the province to make sure that the public is made more aware of our mandate and that the newer authorities better understand the workings of the office. I will report further about these visits in the *2001 Annual Report.*

Ombudsman Initiated Investigation — Forest Renewal BC

In addition to receiving and responding to complaints from individuals and groups, I also have the power to initiate my own investigations into issues of alleged administrative unfairness. In 2000, I initiated one such investigation into Forest Renewal BC's Forest Worker Transition Program. My office became aware of concerns raised by individuals enrolled in the Forest Worker Transition Program in respect of the income tax implications of the program. Articles were written in the press, questions were raised in the Legislative Assembly and complaints were brought to our office. On May 10, 2000, I announced that we would look into the adequacy of information given to individuals by Forest Renewal BC about the income tax implications of the program. I expect our report on FRBC will be released in the fall of 2001.

Self-Governing Bodies of the Health Professions

Jurisdiction over complaints regarding self-governing bodies of the health professions was given to my office in 1993. Self-governing bodies are responsible for regulating the competence and ethical conduct of their members. These professions include doctors, nurses, dentists, denturists, opticians and psychologists, to name a few. We have, over the past years, received a number of complaints regarding the governance of the self-regulating health professions. Many of these complaints relate to the issue of governing the profession in the public interest. It is important to recognise that the obligation to govern the profession in the public interest may require that the public interest take precedence over the private interests of the members of the professions. The complaints that we have received have raised concerns that, for some of the self-regulating bodies, there may not be a proper understanding of the legal responsibilities of a self-governing body and of the legal processes which must be used in the regulation of the profession.

I have also received allegations from members of some professions alleging abuse of powers by the governing body, where actions are taken that are either not mandated by the body's bylaws or are actually in conflict with them. As well, I have received complaints about unfair election practices, unilateral imposition of consent orders, unreasonable fines, excessive license fees, and unreasonable disciplinary action and delay. Again, these allegations raise concerns about an apparent lack of understanding of the

legal powers and responsibilities of these professional bodies.

Over the next year, I will be reviewing complaints about the health professions to determine whether structural changes may be needed in order to ensure that the professions are regulated in the public interest, and that their processes are lawful and fair.

Conclusion

As I indicated in my *1999 Annual Report*, this is one of the most exciting, challenging and interesting jobs that anyone could experience. This past year has reinforced and strengthened this view. The breadth and scope of the position is at times overwhelming but also stimulating and exciting. When asked what is the best part of the job, the answer is easy: seeing an authority, as a result of our action, being prepared to resolve an unfairness for someone. I look forward to the next four years.

As indicated in my opening comments, this year's report is focused on the *Ombudsman Act* and how we interpret and apply it.

The Ombudsman's power to investigate complaints comes from the *Ombudsman Act,* which was proclaimed into effect in 1979. The Act defines the type of complaints we are authorized to investigate and the authorities that are subject to our investigations. We cannot conduct an investigation unless both the complaint and the authority against whom the complaint is made fall under the Act. For example, we cannot investigate complaints about decisions by the courts. Also, only provincial authorities fall under our mandate so we do not conduct investigations regarding federal government departments.

The *Ombudsman Act* also defines our powers when we conduct an investigation. It allows us to compel disclosure of documents and to require witnesses to be interviewed. It sets out the criteria by which we must determine whether an authority has acted unfairly, and gives the authority an opportunity to respond to our concerns before any findings are made final. Although the Act gives the Ombudsman considerable authority, it does not allow me to make orders. Consequently, even if I conclude that an authority has acted unfairly and that steps should be taken to correct the matter, I cannot require the authority to do so. My power is limited to making recommendations, which the authority may choose not to accept. Therefore, we place considerable emphasis on consultation and persuasion in reaching resolution of complaints. However, the Act does give me the power to publicize my conclusions. I am required to file an annual report and may file public or special reports when I think it is in the public interest to do so.

We are not required to investigate every complaint we receive, even if both the type of complaint and the authority fall under the *Ombudsman Act.* We have discretion to decline to investigate for reasons that are specified in the Act. We can conclude complaints where the authority agrees to take appropriate action to rectify the matter without admitting fault. The Act also gives us the discretion to discontinue an

investigation without a settlement or a finding of fault. The circumstances under which we may do this are specified in the Act.

The Act sets out the process I must use to make a formal determination that an authority has acted unfairly. I must give the authority notice of my concerns and provide an opportunity to respond before my conclusions can be finalized. As well, I must specify the nature of the unfairness involved in accordance with categories that are set out in the Act.

Thus, the Act gives an appropriate but not unlimited degree of discretion, the powers necessary to conduct investigations, and a duty to treat both the complainant and the authority fairly.

This annual report focuses on six specific sections of the Act: sections 10, 11, 13, 17, 22 and 23. These sections provide the statutory framework that defines what and when we will investigate. In addition to highlighting the language of the Act, I have also provided case summaries where possible to illustrate how these sections are applied on a day-to-day basis. All initials used in the case summaries included in this report are entirely fictitious; they are not the initials of the people who brought the complaints to the attention of this office.

Section 10(1)

The Ombudsman, with respect to a matter of administration, on a complaint or on the Ombudsman's own initiative, may investigate

(a) a decision or recommendation made,

(b) an act done or omitted, or

(c) a procedure used by an authority

that aggrieves or may aggrieve a person.

Section 10(1) of the *Ombudsman Act* provides the authority for the office to investigate complaints received from the public or on the Ombudsman's own initiative. It also defines, in general terms, the types of complaints we may investigate.

Section 10(1) contains two terms that govern everything we do. These are 'matter of administration' and 'an authority'. Section 10 says that we may only investigate a complaint about a matter of administration. What is a matter of administration? In the early days of our office, Karl Friedmann, the first B.C. Ombudsman, wanted to investigate a complaint against the British Columbia Development Corporation (BCDC). BCDC argued that the complaint involved a business decision that it felt did not constitute a matter of administration. The case was considered by the Supreme Court of Canada, and throughout the world it is considered one of the most important cases ever decided on the powers of the Ombudsman. Chief Justice Dickson held:

> In my view, the phrase 'a matter of administration' encompasses everything done by governmental authorities in the implementation of government policy. I would exclude only the activities of the legislature and the courts from the Ombudsman's scrutiny. [1984] 2 SCR 447 at 474

Authorities about which we may investigate complaints are specified in the Schedule to the Act. Most of the authorities are described by category (e.g., schools, hospitals) but some are listed by name. The Schedule of Authorities is included in this report as Appendix III.

Notwithstanding the authority provided by section 10(1) of the *Ombudsman Act,* we are unable to investigate a complaint if another statute bars us from doing so. We refer to these complaints as "statute barred". For example, section 72 of the *Police Act* states that the *Ombudsman Act* does not apply to it, so we are not able to investigate complaints about the police. However, special police complaints commissions such as the British Columbia Police Complaint Commissioner and RCMP Complaints Commission have been established to address such matters.

Another example of a statutory limitation is section 12 of the *Victims of Crime Act*, which limits our ability to investigate some types of complaints against Crown Counsel. We may not investigate issues about Crown Counsel that relate to 'prosecutorial discretion' – decisions made by the Crown as to whether or not a person should be charged with an offence, what offence they should be charged with, and so forth. In these cases, we suggest that complaints be discussed with Crown Counsel or with Victims' Services (part of the Ministry of Attorney General).

A further example is section 50 of the *Freedom of Information and Protection of Privacy Act*, which prohibits us from investigating complaints about access to information and invasion of privacy. Complaints about these matters are handled by the Information and Privacy Commissioner.

We must decline an investigation of a complaint if it does not involve a matter of administration, an authority listed in the schedule to the Act or if it is statute barred. In 2000, approximately nine percent of the files we closed were declined or discontinued because they did not meet these criteria.

On the other hand, section 10(1) allows the Ombudsman to investigate a complaint on his/her own initiative. That is, the Ombudsman can decide to investigate a matter even though no complaint has been made by a member of the public.

We may also conduct an investigation into the underlying causes of a complaint or series of complaints. We sometimes find that complaints are a reflection of larger problems within an organization. If we focus only on the complaint at hand, the underlying problems may continue to be unresolved. The problems may relate to the way an authority interprets its mandate, flaws in administrative processes, or other kinds of unfairness. We find that these investigations can lead to creative solutions which meet the needs of authorities and the public.

Case Summary: Show Me the Money

Statute Barred

In 1994, police seized over $1000 in cash from Mr. A., who was suspected of dealing in illegal drugs. Although the charges were subsequently stayed, the money was not returned. Mr. A. said that the police required a release from the Attorney General before they could return the money, but the Attorney General's office would not issue the release and would no longer accept his calls.

Mr. A. was unable to identify any person with whom he had spoken at the Attorney General's office and could not give us clear information about the nature of the release he said was required. After discussion with officials in the B.C. Police Complaint Commissioner's Office, it was determined that this was a police matter, over which we do not have jurisdiction. Under normal circumstances this would have ended our involvement. However, the Commissioner's office asked the local police authority to investigate the matter. The investigation confirmed that the money had not been returned to Mr. A. The police authority was willing to return the money, but they could not locate Mr. A. We were able to contact Mr. A. and advised him how he could claim the money. Since police matters do not fall within the Ombudsman's jurisdiction, we closed our file.

Case Summary: Candid Camera

Not An Authority

We received an unusual complaint from Ms. B., a union shop steward, who said that her employer, a small cable TV company, was videotaping employees while they were at work. The allegation was that the employer was running the live video feed into the homes of all its customers. Ms. B. said she could turn on the television and see herself working. The employer was also reported to have said that the company would use the video cameras to show any strike or labour action. Ms. B. said that employees were very concerned about their employer's actions, and the possibility of being shown on live TV to approximately 12,000 viewers in their locale.

We advised Ms. B. that her employer was not an authority listed in the Schedule to our Act, and that we therefore lacked the authority to investigate her complaint. However, as the cable industry is federally regulated, we referred her to the federal Privacy Commissioner, and to the Canadian Radio-television and Telecommunications Commission.

Case Summary: "Moor" Time Wanted

Not A Matter of Administration

Mr. C., a resident of a small community accessible only by boat, was concerned about a proposed bylaw that would impose time limits on docking at a city wharf. Before the city bought the wharf it was freely accessible, but now a two-hour docking limit was being proposed. Mr. C. was concerned that the proposed bylaw would include provisions to issue fines and tow away boats moored at the city wharf in contravention of the bylaw. If his boat was impounded, he would have no means of returning home.

Mr. C. and other residents had written to city council to voice their objections and they planned to make a further submission at an upcoming public meeting.

Under section 10 of the *Ombudsman Act*, we only have authority to investigate complaints about matters of administration. The *Local Government Act* authorizes city council to regulate the use of land by bylaw and the zoning bylaw process provides opportunity for public comment. As there were no procedural concerns around the bylaw enactment process, we could not investigate this complaint.

Case Summary: School's Out

Ombudsman Initiated

We received a number of complaints from different communities in the Province about school board decisions to close local community schools. Some parents and community members felt that decisions to close their local schools were unfair. It was unclear to us whether there were consistent guidelines and criteria in place with regard to public school closures.

The Minister of Education has final approval over whether a school board can close a school. The Ombudsman initiated an investigation into the process required for public school closures. The ministry provided us with details of policy directives that had been sent to all school boards that clearly outlined the Minister's criteria. The policy outlined in detail the process for public consultation, which was consistent with recent court cases that required adequate notice to, and consultation with, affected parties

We were satisfied that there were clear policies in place to guide decisions to close a public school.

Section 11 (1)

This Act does not authorize the Ombudsman to investigate a decision, recommendation, act or omission

(a) in respect of which there is under an enactment a right of appeal or objection or a right to apply for a review on the merits of the case to a court or tribunal constituted by or under an enactment, until after that right of appeal, objection or application has been exercised or until after the time limit for the exercise of that right has expired...

Section 11(1)(a) of the *Ombudsman Act* limits our ability to investigate where there is a right of appeal or review that has not been exhausted or for which the time limit has not expired.

Several requirements must be met before an investigation will be declined under this section. The right of appeal or review must be contained in an enactment (a statute or regulation). Therefore, this section does not apply to internal complaint mechanisms created solely by policy. As well, the body that hears the appeal or conducts the review must also be set out in an enactment. Finally, the appeal or review must be on the merits. If the appeal or review is limited to a review of errors of law, section 11(1)(a) does not apply. Consequently, the right to seek judicial review of a decision does not block an investigation of a complaint because judicial review does not involve a hearing on the merits.

We are only prevented from conducting an investigation until the appeal or review has been completed, or the time limit for commencing the appeal or review has expired. If an appeal or review is still available to a person making a complaint, we advise the person to appeal, but indicate that they may contact us again afterwards if they are not satisfied with the outcome.

Complaints about matters that can be appealed to Income Assistance Tribunals or to the Workers' Compensation Board are examples of investigations blocked under section 11(1)(a). In the income assistance system, a client can appeal decisions regarding the refusal, reduction or discontinuance of benefits to a tribunal. The appeal process includes a full hearing on the merits, and meets all of the other requirements of section 11(1)(a).

In the Workers' Compensation Board system, there are three types of appeal: a Review Board hearing, an appeal to the Appeal Commissioners, and an appeal to a Medical Review Panel. All three of these rights of appeal meet the requirements of section 11(1)(a), so we cannot investigate a Workers' Compensation Board decision until the appeals have been completed or the time for filing the appeals has expired.

In 2000, approximately seven percent of the files we closed were declined or discontinued under this section.

Section 13

The Ombudsman may refuse to investigate or cease investigating a complaint if, in the opinion of the Ombudsman, any of the following apply:

(a) the complainant or person aggrieved knew or ought to have known of the decision, recommendation, act or omission to which the complaint refers more than one year before the complaint was received by the Ombudsman;

(b) the subject matter of the complaint primarily affects a person other than the complainant and the complainant does not have sufficient personal interest in it;

(c) the law or existing administrative procedure provides a remedy adequate in the circumstances for the person aggrieved, and, if the person aggrieved has not availed himself or herself of the remedy, there is no reasonable justification for the failure to do so;

(d) the complaint is frivolous, vexatious, not made in good faith or concerns a trivial matter;

(e) having regard to all the circumstances, further investigation is not necessary in order to consider the complaint;

(f) in the circumstances, investigation would not benefit the complainant or person aggrieved.

(g) the complainant has abandoned the complaint

(i) by failing to advise the Ombudsman of a current address or telephone number at which the Ombudsman can contact him or her, or

(ii) by failing to respond after a reasonable number of attempts by the Ombudsman to contact him or her in writing or verbally;

(h) the complaint is withdrawn by the complainant by notice to the Ombudsman;

(i) the complaint is settled under section 14.

Section 13 lists the circumstances under which we may exercise discretion to either decline to investigate a complaint or discontinue an investigation after it has started.

Section 13 (a)

the complainant or person aggrieved knew or ought to have known of the decision, recommendation, act or omission to which the complaint refers more than one year before the complaint was received by the Ombudsman;

We may decline to investigate a complaint arising from a matter that occurred more than one year ago. However, we carefully review such cases to determine whether an investigation should still be carried out. Sometimes the difficulties involved in investigating a matter that occurred several years ago may not be evident until the investigation is underway. In these cases, we may have to discontinue the investigation even though we did not decline the complaint at the outset. However, we rarely decline or discontinue investigations under section 13(a). In 2000, out of almost 7,400 files closed, only three were declined or discontinued under this section.

Case Summary: Old Documents Not Available

More Than One Year Between Event and Complaint

The passage of time often hampers an investigation. In this case, Mr. D. said that in 1990 or 1991, when he was receiving income assistance, he had obtained a Canada Student Loan to purchase equipment to pursue training in a trade. He said the ministry had actually assisted him in locating the course, but when he received the student loan, the entire amount was deducted from his income assistance. As a result, he said he had to use the loan money to pay his rent, and was unable to continue in the course. Mr. D. said he had appealed the ministry's action at the time, but was unsuccessful in overturning the decision.

In ensuing years, collection agencies had attempted to collect his debt to Canada Student Loans and his income tax refunds had been attached. Part of the debt remained outstanding. He believed the ministry had erred in deducting the amount of his loan in the first place, and should therefore be responsible for repaying the loan on his behalf.

Records of cheques paid out and deductions made were no longer available for 1990 or 1991. In the early 1990s, the ministry did not make computer records of general notes and information as it does now. An official of the ministry was eventually able to locate some paper files relating to Mr. D. from 1990 and 1991. Although there was a reference to Mr. D.'s desire to take a trade course, and an indication he had applied for a Canada Student Loan, a page-by-page examination of the files failed to find any reference to his having received a loan or any record

of the amount having been deducted from his income assistance. Nor was there a record of his having filed an appeal.

Had Mr. D. contacted our office at the time the alleged unfairness occurred, the complete record would have been available for our examination. Now, there was insufficient evidence for us to conclude that an inappropriate deduction had been made, or even that Mr. D. had reported the receipt of funds from Canada Student Loans. Thus, there was no evidence that would allow us to conclude either that the ministry had erred, or, on the other hand, had acted appropriately. We had to discontinue our investigation but encouraged Mr. D. to seek forgiveness of the debt from Canada Student Loans.

Section 13 (b)

the subject matter of the complaint primarily affects a person other than the complainant and the complainant does not have sufficient personal interest in it;

We may decline to investigate under section 13(b) when the person who makes the complaint does not have a direct personal interest in the matter. Sometimes, friends or relatives make a complaint on behalf of the person directly concerned without his or her knowledge or consent. In such cases, we request that the person making the complaint obtain authorization from the person directly affected. Occasionally, this section also comes into play when citizens wish to make complaints about matters discussed in the media that may suggest government wrongdoing. Unless there is a direct personal interest, we may decline to investigate such complaints or we may investigate on the Ombudsman's own initiative. In 2000, we declined to investigate only five complaints under this section.

Case Summary: Business Competitors Need Monitoring

Insufficient Personal Interest

Mr. E., who had been trained in a certain industry, said that he was unwilling to work in the industry because the ministry responsible for regulating it did not properly monitor the business practices of the major companies involved. Mr. E. said he was concerned about the detrimental effect on consumers caused by this alleged lack of monitoring, and asked that we conduct an investigation of the industry.

We do not generally investigate on the basis of an individual's disagreement with the level of monitoring provided by a public authority regarding an industry or program, unless the person making the complaint is directly aggrieved. Mr. E.'s personal interest in this case was not clear, so we asked him to provide an explanation of how he was personally affected by this alleged lack of monitoring.

Mr. E. told us that his primary reason for requesting an investigation was to "clean up" the corruption that he said had plagued the industry for years. He also said that he was considering re-entering the industry and wanted to ensure that the ministry would be adequately monitoring it in the future.

We declined to investigate this complaint. We advised Mr. E. that his concerns, based on his possible re-entry into the industry some time in the future, did not place him in a position of having sufficient personal interest to warrant an investigation.

Section 13 (c)

the law or existing administrative procedure provides a remedy adequate in the circumstances for the person aggrieved, and, if the person aggrieved has not availed himself or herself of the remedy, there is no reasonable justification for the failure to do so;

We encourage authorities to develop internal review mechanisms as a means of improving service to the public. Such mechanisms give public agencies an opportunity to resolve complaints without the involvement of external agencies, such as MLA constituency offices, cabinet ministers, the media, the Information and Privacy Commissioner and, of course, our office. An internal complaint mechanism also gives agencies a second chance to provide quality service.

Just as we encourage authorities to develop internal complaint mechanisms, we also encourage complainants to use them. Consequently, where a remedy exists that we believe is adequate to address the concern, we usually expect the complainant to pursue that remedy before we will become involved.

Some authorities have asked us to comment on their proposed complaint resolution mechanisms before implementation. As part of our support for internal complaint mechanisms, we have issued a report providing guidelines for the development of such mechanisms. Some examples of internal complaint mechanisms follow.

BC Benefits

Over the years we have received a number of complaints about income assistance programs of the Ministry for Social Development and Economic Security. Many of these complaints are about matters that cannot be formally appealed under the ministry's legislation. We assisted the ministry in the development of a review process for participants who were dissatisfied with the service they had received. The review process is relatively simple. A person who contacts our office with a complaint about the ministry is referred to the District Supervisor. If the District Supervisor is not available, or if the participant remains dissatisfied, he/she may discuss the matter with the B.C. Benefits Coordinator. This referral process usually provides an adequate remedy for most complaints. However, if the B.C. Benefits Coordinator is not available, or if the participant remains dissatisfied, our office may investigate.

Ministry for Children and Families

As we also receive numerous complaints about the services provided by the Ministry for Children and Families, the Deputy Ombudsman was seconded to the former Ministry of Social Services to assist in the development of principles to guide an internal quality assurance review. The Ministry for Children and Families has since established its Complaint Resolution Process and each region of the ministry has a designated Quality Assurance Manager responsible for that process. When we receive complaints about the Ministry for Children and Families, we routinely refer them to the Quality Assurance Managers for review. We indicate to complainants that they may return to our office if they feel the Quality Assurance Manager's review is either inadequate or unfair.

BC Hydro

BC Hydro has a formal dispute resolution process that uses local and regional staff to resolve customers' complaints. Any BC Hydro customer complaining of unfair treatment must be advised of the dispute resolution process. Individuals contacting our office with complaints about BC Hydro are referred to a Dispute Resolution Reviewer who will consult with the complainant as well as local staff in an effort to resolve credit and billing disputes. In the event that a dispute is not resolved through BC Hydro's internal process, our office will consider whether or not an investigation is required.

By taking responsibility for quality assurance, public agencies are able to collect data that highlight opportunities to improve their policies, programs, or service delivery. By focusing our investigations on the adequacy and fairness of such remedies, we are able to provide ongoing feedback to authorities on how they might improve their complaint-handling processes.

In 2000, approximately 34 percent of the files we closed were declined or discontinued under section 13(c).

Case Summary: Bingo!

Available Remedy

Ms. G. had won the $20,000 jackpot in a superstar bingo game, only to find that the Lottery Corporation had awarded her only $10,000.

The circumstances were unusual. Ms. G. had participated in a bingo game operated by members of a local hockey association. Players participated simultaneously at numerous locations throughout the province. On this occasion, there was a technical problem in the operation of the game that resulted in someone at a different location winning the same prize as Ms. G. She went to the Lottery Corporation, which decided that the fairest solution was to split the prize between the two winners. Ms. G. was not happy with this result. She pointed out that she had won the game fair and square, and the Lottery Corporation's solution penalized her for the local operator's error.

We then received a call from an investigator with the Gaming and Audit office, Ministry of Attorney General. The Attorney General had referred the matter to that office for investigation after receiving a complaint from the ice hockey association that had operated the game. The investigator confirmed that he was looking into the merits of the complaint. Consequently, it was not necessary for our office to conduct an investigation. The investigation underway would provide the complainant with an adequate remedy.

We were subsequently informed that the complainant did in fact receive the entire prize of $20,000.

Section 13 (d)

the complaint is frivolous, vexatious, not made in good faith or concerns a trivial matter;

This section allows us to decline or discontinue investigation of a complaint where we believe it is frivolous or vexatious, not made in good faith, or concerns a trivial matter. In practice, we very rarely decline to investigate under this section. In 2000, no complaints were declined or discontinued under this section.

Section 13 (e)

having regard to all the circumstances, further investigation is not necessary in order to consider the complaint;

Complaints are declined under section 13(e) when we can determine, without an investigation, that a complaint will not be substantiated. This can occur when the issue has already been investigated, or when the complaint reflects a misunderstanding of the obligations of public bodies, and in other circumstances. In such cases, we send a letter to the complainant explaining why the matter did not require an investigation, and suggesting other options he/she may wish to pursue.

This section is also used when we discontinue an investigation after it has been commenced. This usually occurs when all possible evidence in support of the complaint has been reviewed, but the evidence did not lead to a clear finding of fault and it was not possible to reach a settlement.

In 2000, approximately six percent of the files we closed were declined or discontinued under this section.

Case Summary: Raring to go!

Further Investigation Not Required

Mr. H. contacted us within a few days of receiving a notice from the Office of the Superintendent of Motor Vehicles (OSMV) requesting that he surrender his driver's license. Mr. H. explained that his physician had reported to the OSMV that he had a medical condition that might affect his fitness to drive. Although Mr. H. had not seen the physician's letter, he suspected it referred to a self-diagnosed "seizure" he had reported to his physician. Subsequently, he concluded it was only an adverse reaction to a medication that he had since discontinued.

After discussing the issue with his patient, the physician wrote a supplementary letter to the OSMV. Although only two days had passed since the physician's supplementary letter was sent, Mr. H. was concerned that there might be some delay on the part of the OSMV in reviewing that letter. He requested an investigation to ensure there was no unreasonable delay.

We suggested Mr. H. allow the OSMV a reasonable opportunity to consider the new information and we invited him to contact us again if the delay became unreasonable. Less than one week later, Mr. H. contacted us to say that after reviewing the physician's supplementary letter, the OSMV was not persuaded to amend or rescind the original decision to cancel his driver's license. Mr. H. arranged for another physician to write a letter to the OSMV attesting to his fitness to drive. The second physician had not yet sent his letter to the OSMV; however, Mr. H. was once again concerned about the prospect of delay on the part of the OSMV in reviewing that physician's letter.

We did not see any unreasonable delay on the part of the OSMV and there was no reason to believe delay would occur. Therefore, we declined to investigate. We informed Mr. H. that he had the right to appeal the decision to cancel his driver's license and we invited him to contact us again if the delay he anticipated materialized. We did not hear from him again.

Case Summary: The Cost of Privacy

Further Investigation Not Required

Mr. I., an income assistance client who lived in the interior of the province, contacted us regarding his medical care. He had previously been treated by a specialist in Victoria in whom he had great confidence. Mr. I. requested that the ministry fund the cost of transportation to Victoria so that he could again be treated by the same specialist.

The ministry covers the cost of transportation and accommodation when it is medically necessary. However, the request must be justified by the patient and his/her physician. In this case, there were a number of specialists in the same field practising near Mr. I.'s home town. Mr. I. refused to provide the ministry with information about the nature of his medical need to see the Victoria specialist, and would not consider treatment by a local specialist.

We explained to Mr. I. that the ministry could not approve his request unless he provided information to justify it. We could not conclude that the ministry was acting unfairly, given that it did not have the necessary information. We therefore advised Mr. I. that we could not assist him.

Case Summary: Hide and Seek

Further Investigation Not Required

A trapper had shot and killed a cougar that had been, as he said, 'killing his fur' on the trap line. Mr. J. said he was unaware of an amendment to the *Wildlife Act* that required him to present the animal for inspection and tagging. Instead, he sold the hide for $150 to a man who took it to a taxidermist. Two years after the cougar was killed, wildlife officers seized the hide from the taxidermist and refused to return it to either Mr. J. or the man who had purchased it. Mr. J. had to return the purchaser's $150, and said he heard rumours that wildlife officers had sold the hide at an auction. He felt it was unfair that he had not been advised of the auction, for he might have been able to get a good deal on the hide.

Upon investigation, we found that the requirement for inspection and tagging of the cougar hide was not new. The Regional Manager had concluded that Mr. J. was in breach of the provision, and provided him with an explanation of the decision not to return the hide to him. After Mr. J. decided not to appeal, the Regional Manager had given the hide to the local school district so they could use it for educational purposes. We concluded that further investigation was not necessary.

Section 13 (f)

in the circumstances, investigation would not benefit the complainant or person aggrieved.

When people make complaints to our office we try to arrive at a settlement that meets their needs. Occasionally, the outcome sought is not possible and further investigation would not achieve it. In these cases, we decline or discontinue the investigation. In 2000, less than two percent of the files we closed were discontinued or declined under this section.

Case Summary: Attorney General Can't Overrule Court

No Benefit to Complainant

Mr. K. contacted our Office with a complaint about the Attorney General's refusal to review his documents related to a court decision involving the division of assets and payment of maintenance. Mr. K. stated that his documents contained information that would prove that there had been a conspiracy among the lawyers involved in the court proceedings. He stated that the two law firms conspired together to create case law that they could use to intimidate other clients into mediation. He also said that his documents would prove that his ex-wife had lied in court and that the court process was flawed. Mr. K. believed that information contained in his documents would provide grounds for the Attorney General to overturn the court's decision.

We advised Mr. K. that ministry staff could exercise discretion in determining what documents they would or would not review and that we had no evidence to indicate that the review he had requested could result in an outcome that would be of benefit to him. We explained that neither the Attorney General nor his staff could alter a court's decision and that the only mechanism to address his concern about the court process was to appeal the matter to a higher court. As there could be no benefit to Mr. K., we closed our file.

Section 13 (g)

the complainant has abandoned the complaint
(i) by failing to advise the Ombudsman of a current address or telephone number at which the Ombudsman can contact him or her, or
(ii) by failing to respond after a reasonable number of attempts by the Ombudsman to contact him or her in writing or verbally;

This section allows us to decline or discontinue an investigation if we are unable to contact the complainant. We always make several efforts to contact a complainant before taking such action. In 2000, approximately three percent of the files were closed under this section.

Section 13 (h)

the complaint is withdrawn by the complainant by notice to the Ombudsman;

When a complainant first contacts us, he/she will often have made several attempts to resolve the matter. Sometimes the matter will be settled before we have commenced an investigation and the complaint will be withdrawn. Alternatively, we may find that after initial discussion of the issues, the complainant will decide not to pursue the matter further. In 2000, four percent of the files were closed under this section.

Case Summary: Ring, Ring, Ring, Ring, Ring.....

Complaint Withdrawn

Mr. L. had attempted to contact a Government Agent's office by telephone on a number of occasions. He complained that he had to wait an inordinate length of time before the telephone was answered.

The Government Agent confirmed that he had received complaints about delays in answering the telephone. His office did not have the budget for a full-time receptionist, and although he had attempted to address the problem by using an answering machine, the public did not seem to be satisfied with this arrangement. The Government Agent also explained that around the time Mr. L. had been attempting to contact that office, they were experiencing problems with the telephone lines, but those problems had been fixed. The Government Agent gave us his commitment to having the telephones answered more expeditiously.

When we informed Mr. L. of the commitment made by the Government Agent, he said he was satisfied and withdrew his complaint.

Section 13 (i)

the complaint is settled under section 14.

Section 13(i) allows us to discontinue an investigation when we have achieved a settlement of the complaint under section 14. This is a reference to section 14(2), which says:

> "At any time during or after an investigation the Ombudsman may consult with an authority to attempt to settle the complaint..."

Consultation with authorities often leads to a settlement of the complaint. A settlement under section 14(2) allows the authority to address the complaint without a finding of fault. If the Act required us to make a finding of fault as part of a settlement, settlements would be much harder to achieve. Also, many cases are settled even though the public agency is not at fault, because the authority is willing to try to meet the complainant's needs. In 2000, over eight percent of the files were closed under this section. This represented 38 percent of complaints investigated.

Case Summary: A Motherhood Issue

Complaint Settled

Ms. N. was a youth in care by voluntary agreement which was soon to expire. She and her two-year-old daughter had returned home to live with Ms. N.'s mother. The Ministry of Social Development and Economic Security agreed to provide the grandmother with additional income assistance to support Ms. N. but was making no provision for the baby. The ministry had told Ms. N. that it could not provide support for the child unless she was a dependent of the grandmother. They told Ms. N. that she would have to give up custody of her baby to her mother. Although Ms. N. wanted her mother to receive additional income support, she felt that the requirement to give up custody of her daughter was very harsh and unfair.

If it was correct that the ministry was imposing such a requirement as a condition of assistance, it seemed an extraordinary intrusion into the relationship between a mother and her child. We were hopeful the ministry could find a better way to resolve the problem. When we contacted the BC Benefits Coordinator, she noted that the situation was unusual, and that the ministry could not easily address it under the legislation. However, she agreed that it should not be necessary for Ms. N. to give up custody of her child to her mother merely to obtain additional income support that was clearly needed. The BC Benefits Coordinator made a commitment to have additional benefits issued to the grandmother.

The grandmother later confirmed that she was now receiving assistance for both her daughter and her granddaughter and that no change in custody had been required.

Case Summary: Don't Blow Your Stack

Complaint Settled

Mr. O.'s mobile paving plant had been shut down at the beginning of the paving season by the Ministry of Environment, because it had not complied with a regulatory requirement to conduct a yearly test on its smoke stack emissions. In accordance with the regulation, the plant was not permitted to operate until it had completed improvements to its equipment to meet the emissions standard.

Mr. O. later moved his plant to another region, where he discovered that a competitor was operating a similar paving plant that clearly would not pass an emissions test. Mr. O. complained to the regional inspectors about this inequitable application of the relevant regulation under the *Waste Management Act*, but was told that that the regions interpreted the regulation differently. This regional office took the position that the regulation permitted a plant to operate until a stack emissions test was completed, as long as the test was done before a certain date in the fall. Mr. O. felt that this interpretation allowed his competitors an unfair advantage, by allowing them to operate their plant through the paving season, before the plant emissions were tested.

We discussed the inconsistent application of the regulation with the ministry's regional representative. He sought legal advice and decided to require Mr. O.'s competitors to have their plant stack tested, with the understanding that if the plant failed to meet the standards, the competitors would be ordered to bring their equipment into compliance. Mr. O. was satisfied with this resolution.

The ministry also acknowledged that there were problems with uneven enforcement of the current regulation and advised us it was conducting a complete review of the Asphalt Plant Regulation, in consultation with the industry. It is expected that this review will lead to the drafting of a new regulation that is more effective and enforceable.

Case Summary: Good Neighbours

Complaint Settled

The BC Assets and Land Corporation (BCALC) had leased a parcel of Crown land for a training facility. The lessee had built a trail around the perimeter of the facility. Ms. P., who owned rental property next to the newly built training facility, was concerned that motorized vehicles such as snowmobiles, motorcycles, and ATVs would use the trail and the noise would disturb her tenants. She wanted the trail relocated and assurances that it would not be used by motorized vehicles.

We discussed Ms. P.'s complaint with BCALC officials, who agreed to meet with her and with other neighbours to discuss their concerns. They also met with representatives of the lessee. These discussions led to an agreement to move the trail within a treed portion of the lot, where the trees would act as a noise and sight line buffer. It was also agreed that the trail would be used for running and cross-country skiing, and would be used by motorized vehicles only when required for track setting and maintenance of the trails. Discussions between officials and residents also resulted in an agreement about the location of the buildings. This co-operative approach resulted in a solution that satisfied all parties.

Case Summary: Fair Representation

Complaint Settled

It is unusual for us to receive a complaint from one authority about another. Sometimes, however, an authority has taken appropriate action but still cannot resolve a significant problem. A complaint to our office may be the only remaining alternative.

In this case, Mr. Q., the mayor of a city, contacted us with a complaint about electoral boundaries for school board trustee elections. He and his city council felt that the current distribution of trustees did not provide fair representation for citizens of the area. The Ministry of Education has guidelines for trustee variation, and in accordance with these guidelines, city council formally requested the school board to consider a change to the electoral boundaries. The board declined. The council then wrote to the Minister of Education requesting a review, but the Minister advised them to continue their discussions with the school board. When the board continued to deny the council's request for a variation, the mayor contacted our office, stating that as neither the ministry nor the school board would address the issue he and his council had nowhere else to turn.

The *School Act* gives the Minister of Education exclusive responsibility for distribution of school trustees. During discussions with the ministry, we were told that it is ministry policy to encourage local communities to work together when changes to electoral boundaries for school trustees are under consideration. As a result of our discussions, the ministry revised its guidelines to clarify that any

individual or institution can request that the ministry consider a change to trustee distribution. The revised guidelines note that it is the ministry's expectation that such requests be supported by extensive local consultation.

In response to the situation faced by the mayor and council in this particular case, the Minister of Education agreed to consider their request without requiring further consultation with the local school board.

Case Summary: Parks Are Nice But...

Complaint Settled

Mr. R. called with an urgent request for assistance. He had traveled to the Workers' Compensation Board's (WCB) rehabilitation clinic to obtain intensive treatment for his injured hand. He said he could not afford accommodation, and was sleeping in a park while trying to persuade WCB to give him a room in the clinic residence while he attended treatment there. WCB had denied payment for accommodation because Mr. R. had not obtained prior approval. Mr. R. said that unless funding was made available to him for accommodation he would need to abandon the treatment. He told us he had a job scheduled upon completion of the rehabilitation program, but would not be able to perform the work without further treatment. An appeal would not resolve this matter as time was of the essence.

We contacted the manager of the claim, who considered additional information that the complainant provided to us. WCB then arranged accommodation for Mr. R. so that he could continue treatment.

Case Summary: Foul not Fair

Complaint Settled

Ms. S. called our office with a complaint about the British Columbia Building Corporation. BCBC is a Crown Corporation that manages the provincial government's rental and real estate requirements. Ms. S. had leased her house, located in a small community, to BCBC which had then sublet the house to government employees requiring accommodation in the area.

Ms. S. advised us that for a two year period there were no problems. However, BCBC had recently advised her that they intended to terminate the lease one year early because of a very strong smell of fuel oil in the house. BCBC also said she would have to pay for accommodation costs for the tenants forced out by the smell. Apparently, the tenants found the smell intolerable.

When Ms. S. inspected the house, she discovered that the oil line between the tank and furnace had been damaged and was leaking fuel oil onto the cement floor. She immediately repaired the leak. However, as the tenants had not reported the damage or had it repaired, the line had been leaking for some time and the oil had been absorbed into the concrete floor. All her efforts to rid the premises of the oil smell were unsuccessful.

BCBC withheld the money owing to Ms. S. for the last year of the lease, and used it to pay for alternative accommodation for the tenants. When Ms. S. informed a senior BCBC official of the situation, he immediately refunded her money. BCBC also paid her the three months' penalty provided in the lease for early termination without cause. However, she was still left with a house that she could not rent because of the oil smell. This was especially difficult in her area as the whole community knew about the problem and no one would rent it under these conditions. She therefore contacted our office for assistance.

After we discussed the matter with BCBC officials, they agreed to pay for the entire cost of the repairs. They approved an estimate Ms. S. provided and she was informed that work would begin. Several months later, however, Ms. S. contacted us again, as work had not commenced and she had received no further word from BCBC. Although it was necessary for our office to once again become involved in discussions with BCBC, the result was that BCBC authorized the required repairs, they were successfully completed, and the matter was finally resolved.

Case Summary: The Five Percent Solution

Complaint Settled

Mr. T. contacted our office, concerned about the Public Guardian and Trustee's (PGT) management of his financial affairs. One of the duties of the PGT is to assist people who are incapable of managing their financial affairs and/or giving consent to health care decisions. When no one else is willing and able to act for them, the PGT acts as Committee.

In Mr. T.'s case, the PGT had been appointed Committee when he sustained a brain injury in a work related accident. Because the injury had incapacitated him, he was receiving a permanent disability pension from the Workers' Compensation Board (WCB).

Mr. T. questioned the five percent administration fee charged by the PGT for administering his finances, which was being deducted from his WCB pension. We suspected that it was not Mr. T. who should be paying the fee, as the event which had led to the PGT's involvement was a work-related injury. After investigation, we determined that it was WCB's policy to compensate workers for fees payable to the PGT.

We advised the PGT of the WCB policy, and we were later informed that WCB had agreed to refund all fees Mr. T. had paid back to July 16, 1998, the date the WCB policy came into force. The PGT then reviewed all similar cases and identified a number of individuals who they believed were eligible for this additional WCB benefit.

As a result of one person bringing his concerns to our attention, many others will benefit from this WCB policy.

Case Summary: Easy Come, Easy Go

Complaint Settled

In the course of an investigation we attempt to settle complaints by consulting with public agencies and proposing resolutions. We may decide that a matter is settled when we consider the resolution fair, even though the settlement may not be exactly what was wanted by the complainant.

This was the case when Mr. U., after being released from prison, complained that the prison had lost his identification and clothing. Mr. U. had first complained to the Inspection, Investigation and Standards Office (IISO), which had concluded that he was not entitled to compensation.

We learned that in his letter of complaint to IISO, Mr. U. had offered, as proof of the value of his lost clothing, the fact that he had robbed a number of banks and had purchased a lot of new clothing just before he was apprehended. He felt that that this information supported his argument that the lost clothing was expensive. While IISO agreed to pay the cost of replacing Mr. U.'s identification documents, it upheld the institution's position that he should not be compensated for loss of clothing obtained through the proceeds of crime.

Given the circumstances, we considered that payment for the cost of replacing Mr. U.'s identification documents was an adequate settlement of this complaint.

Case Summary: Beware of Dog

Complaint Settled

Ms. V. had been offered a subsidized housing unit by BC Housing. While meeting with a representative of BC Housing to acquire the keys to the unit, Ms. V. was questioned regarding the pedigree of her dog. She was unsure as to the pedigree; however, she believed it was a mixed breed consisting of Chihuahua, Terrier, Labrador and Rottweiler. The representative then informed her that BC Housing's policy prohibited dogs of certain breeds including Rottweiler and dogs of mixed breeding including any of those breeds. He said that Ms. V. could occupy the unit only if she found another home for her dog. Ms. V. and her children were very attached to the family pet and could not give it up. She complained that she was not given information about BC Housing's pet policy until just before she was to move into the unit.

BC Housing staff had failed to note that Ms. V.'s application stated that she had a dog. BC Housing acknowledged its error but was not able to make exceptions to the pet policy. As there was uncertainty about the pedigree of the dog , Ms. V. obtained an independent professional opinion indicating that her dog showed no sign of Rottweiler. BC Housing accepted the professional opinion and Ms. V. moved in.

Case Summary: What's In A Name?

Complaint Settled

Ms. X., a new bride, complained that the Vital Statistics Agency had made a mistake in the spelling of her name on her marriage certificate. When she drew the error to the agency's attention, she was advised that there would be a $54 fee to correct the document and issue a new certificate. Since the mistake was not her own, she felt it was unfair to require her to pay for the correction.

We discussed the situation with the agency, which reviewed the documentation on file. They immediately acknowledged that the error had been made by staff, and agreed that Ms. X. should not have to pay for the correction. They promptly issued a corrected certificate.

Case Summary: Are You Old Enough?

Complaint Settled

Mr. W. went to his neighbourhood school to register his son for kindergarten. He was informed that he would have to provide a birth certificate to confirm his son's age. Mr. W. did not have a copy of the birth certificate and was concerned about the cost of obtaining one. He asked if the requirement was standard policy and was informed that it was. Mr. W. complained to our office that such a policy was unfair to families who could not afford the document fees.

We contacted the principal of the school in question about the policy. He explained that school district policy required proof of age for new students. Birth certificates were considered to be the best form of proof, although other forms of documentation that showed the child's birth date can be accepted. He invited Mr. W. to contact him again so that they could work out the easiest way to provide the necessary confirmation. This settled the complaint.

Case Summary: In the Nick of Time

Complaint Settled

Ms. Y., who had been a permanent ward of the Ministry for Children and Families now wanted to pursue post secondary education. She had heard of a ministry program called SPY (Services to Former Permanent Youth in Care) that provided funding for education to former wards who were between the ages of 19 and 24.

Ms. Y.'s former social worker told her she was eligible for two years of financial assistance. On that basis, she enrolled in the program where she was fortunate enough to get the last available space. Unfortunately, the educational agency did not receive confirmation of funding from the ministry and advised Ms. Y. that if confirmation was not received immediately, her application would be rejected and her space would be given to the first person on the waiting list.

Ms. Y. immediately contacted her social worker who said that the documents had been forwarded some time ago to the ministry office in the community where she now lived. Ms. Y. tried to contact the local ministry office but was unable to determine who was handling her application. Time was running out, so she contacted our office. We contacted the ministry and spoke with the local supervisor who confirmed that Ms. Y. had completed all the requirements for the SPY program and was definitely eligible for it. When we informed the supervisor of the urgency in providing verification to the educational agency, she immediately provided the required confirmation. The supervisor also offered to meet with Ms. Y. to ensure that she was aware of the benefits available under the SPY program. We confirmed with the educational agency that it had received confirmation and had reserved space, and then closed our file.

Case Summary: A Flood of Cooperation

Complaint Settled

Mr. Z., whose property was being eroded as a result of flooding caused by the lack of maintenance of a culvert, complained that neither the Ministry of Transportation and Highways (MOTH) nor the local municipality had responded to his concerns. When we contacted the authorities involved, it became apparent that Mr. Z. was caught in a dispute between the two public agencies about which one was responsible for the maintenance of a number of culverts.

The larger issue of responsibility for maintaining drainage works will need to be addressed. However, following our investigation, MOTH agreed to provide the funds and the District agreed to complete the required work on the culvert. This cooperative approach between the two authorities led to a resolution that satisfied Mr. Z.

Case Summary: Dark Passage

Complaint Settled

Ms. A. had to cross a bridge to travel between her place of employment and her home. Due to maintenance work, the bridge was open only to pedestrians from 10 p.m. to 5 a.m. Ms. A. worked until 11:30 p.m. and had to leave her vehicle on one side of the bridge, walk across the bridge, and then walk approximately one and a half miles in the dark to her home. Ms. A. had called the Ministry of Transportation and Highways to express her concerns, but to no avail.

We contacted ministry officials who agreed to arrange for Ms. A. to be driven from the bridge to her home during the bridge resurfacing. This arrangement addressed Ms. A.'s safety concern.

Case Summary: Limited Options

Complaint Settled

Ms. B. contacted BC Hydro to open a new account and was surprised to learn she had an outstanding account dating back more than five years, with approximately $500 owing on it. Ms. B., who was sure she did not owe this money, later discovered that her stepdaughter had used her driver's licence and had fraudulently opened the BC Hydro account using Ms. B.'s name. As Ms. B. was on a disability pension and was not able to pay the entire amount in a lump sum, she negotiated a repayment plan. She would make a $100 lump-sum payment and then pay $50 a month towards the old account, in addition to monthly payments on her current account. Having made this arrangement, Ms. B. was shocked to then receive a bill requiring immediate payment of the total amount.

A BC Hydro Dispute Resolution Reviewer offered Ms. B. the option of reporting the fraud to the RCMP or paying the delinquent account at a rate of $100 a month. Ms. B. did not want to report her stepdaughter to the RCMP, and she could not meet a $100 payment on her income. She maintained that she had negotiated an agreement with BC Hydro and that it was unfair for BC Hydro to renege on that agreement.

We contacted the BC Hydro office where Ms. B. had originally worked out her payment plan. We confirmed that the agreement reached was as she said: $100 lump-sum payment and $50 a month until the delinquent account was paid off. BC Hydro officials agreed that this original commitment should be honoured, and Ms. B. was informed that the original payment plan would stand. Ms. B. was satisfied with this outcome.

Case Summary: Passing Grade

Complaint Settled

Ms. C., who lived in a rural residential area, was concerned about the narrow highway in front of her property. The highway had two-way traffic and allowed vehicles to pass in opposing lanes. Ms. C. was worried that this created a safety hazard, particularly for children in the area. She contacted the Ministry of Transportation and Highways with her concerns, but received no response.

We contacted ministry officials, who then visited the site to survey the road. The ministry determined that the road was indeed unsafe and took measures to deal with the safety issues. There was consensus that safety would be greatly improved by prohibiting passing on the stretch of the highway identified by Ms. C. She was pleased with this resolution.

Case Summary: No Pardon, No Admission

Complaint Settled

Mr. G. had been denied admission to a college program, where a criminal record check was one of the admission requirements. He felt that his old criminal record should not prevent him for entering the program. Ten years had passed since his conviction and Mr. G. had applied for a pardon, but had not yet received a response. The college criminal records review committee had determined that Mr. G. should not be granted entry into the program until he obtained the pardon. Mr. G. said that the particulars of his criminal record were not significant enough for the college to deny him entry into the program.

We discussed the matter with college officials and they agreed to convene a new criminal records review committee to reconsider Mr. G.'s situation. To ensure a fresh look at the issue, the committee was composed of entirely new members. In addition, Mr. G. was allowed to appear in person to present his case and to present new evidence. Mr. G. was satisfied with this outcome and we considered the case resolved.

Section 17

If it appears to the Ombudsman that there may be sufficient grounds for making a report or recommendation under this Act that may adversely affect an authority or person, the Ombudsman must, before deciding the matter,

(a) inform the authority or person of the grounds, and

(b) give the authority or person the opportunity to make representations, either orally or in writing at the discretion of the Ombudsman.

When an investigation suggests that an authority has acted unfairly, the Ombudsman may make a formal finding of unfairness, and may recommend steps the authority should take in order to correct the unfairness. However, before such findings or recommendations can be made, section 17 requires that notice be given to the authority of the grounds for the potential adverse findings and an opportunity provided to the authority to make further representations.

The requirement to provide authorities with notice and an opportunity to respond is another example of the duty to be fair to all the parties involved in a complaint. Notice must also be given to anyone else who may be adversely affected by a finding or recommendation. Most of the time, it is only the authority that may be adversely affected. However, on occasion we find that private individuals may also be affected. This can occur when the complainant is a party to a dispute with another individual, and an authority is involved in some way in addressing the dispute. Any action the authority takes to correct an unfairness may affect not only the complainant, but also the other party. Section 17 gives the authority or other parties an opportunity to be heard before the Ombudsman makes a final recommendation.

Giving notice under section 17 frequently leads to productive discussions with authorities that allow us to settle the complaint without proceeding further, and without making findings of fault. Where the complaint cannot be settled, the authority's response allows us to further focus the issues and correct any factual errors. However, once the authority's representations have been considered, the Ombudsman may still be of the view that the authority has acted unfairly. The investigation may then proceed to a final report under section 23.

In 2000, ten notices were issued under section 17.

Case Summary: Slow Process Costly

Notice of Potential Adverse Findings

Ms. M. underwent surgery for a congenital malformation which was not amenable to any other kind of treatment.

The Medical Services Plan (MSP) does not cover cosmetic surgery, but will cover a procedure carried out by a cosmetic or plastic surgeon if it is medically necessary. Ms. M.'s surgeon, believing that the procedure was medically necessary, first requested coverage in April 1997. After many months of requests for approval, the complainant concluded that MSP was not going to approve coverage. She and her mother made arrangements for the procedure to be carried out in Alberta, some fifteen months after the first request for approval was made. Aware of the family's limited resources, the Alberta surgeon kept her fee to a minimum, and performed the procedure in a private clinic rather than in a hospital. The clinic's fee for the use of the facility was lower than the fee which would have been charged by a hospital in BC or Alberta.

Ms. M. was unaware that while she and her mother were making final arrangements to have the procedure carried out in Alberta, MSP was giving the matter further consideration. Three weeks after the surgery was completed, the family was advised that MSP had decided to cover some of the costs.

Although MSP agreed to pay the surgeon's and anaesthetist's fees, it refused to cover the facility fees and the cost of special supplies, totalling approximately $2000, on the grounds that the *Hospital Insurance Act* precludes the Plan from paying private clinic charges. We believed that MSP had acted unreasonably, both in denying coverage in the first place, and then in delaying its approval until after she had felt compelled to proceed with surgery, at considerable cost to her mother. We believed her mother should be reimbursed the $2000.

When we gave notice to the ministry of potential adverse findings, the ministry conceded that the process had adversely affected Ms. M., and agreed to pay the $2000.

Case Summary: The Root of the Problem

Notice of Potential Adverse Findings

Ms. D. complained to our office about losses she incurred as a result of a tree blowing over and crushing her car while it was parked in a school parking lot. While ICBC reimbursed her for the car, her eyeglasses and car rental expenses, she said that there remained a shortfall of approximately $3700 dollars, taking into consideration the price she paid for the vehicle seven months earlier.

In investigating this matter, we were advised that the parking lot in which the tree was located was excavated during a major construction project at the school. During construction, the landscape architect made a recommendation to the construction company to place a fence around the tree in order to protect its roots. Unfortunately, this recommendation was not followed and in fact, building materials were placed at the base of the tree. When the tree was inspected after it had blown over, it was found to be rotten. Following notice of possible adverse findings from our office, the school district agreed to reimburse Ms. D. for half of the shortfall as well as any car rental costs not covered by ICBC plus interest. The settlement took into consideration the depreciation of the vehicle.

Section 22

(1) If the Ombudsman decides

(a) not to investigate or further investigate a complaint under section 13, or

(b) at the conclusion of an investigation, that the complaint has not been substantiated,

the Ombudsman must

(a) record the decision in writing, and

(b) as soon as is reasonable, notify both the complainant and the authority of the decision and the reasons for it

At the conclusion of our process we are required to report to the complainant and the authority. When an investigation leads us to the conclusion that an authority has not acted unfairly we make a finding that the complaint is not substantiated. We then write to the complainant outlining the reasons for this conclusion. The letter usually describes the steps we took to investigate the complaint, who was interviewed, what evidence was considered, any relevant legislation or case law, and explains how the investigation led us to conclude that the authority did not act unfairly. We also outline any other recourse available. In 2000, 26 percent of investigations were concluded under section 22.

Case Summary: More Than Fair

Not Substantiated

Mr. E. telephoned our office at 3:30 p.m. on a Friday afternoon with an urgent complaint against BC Hydro. His power had been disconnected the previous day and he had been told that he must pay $800 on his account by 4:30 p.m. if he wanted to have his power reconnected for the weekend. He had offered $400 in cash and was willing to call a friend who could pay the other $400 by credit card. That offer was rejected by the BC Hydro Dispute Resolution Reviewer. Mr. E. considered BC Hydro's refusal to accept a credit card payment to be unreasonable.

Mr. E. told us that he had been injured at work and was waiting for either Workers' Compensation or Employment Insurance benefits. He alleged that B.C. Hydro had given insufficient consideration to the fact that he was unable to work because of his injury, which had occurred five months earlier.

Dispute Resolution Reviewers are authorized to make payment arrangements with a customer. They can also arrange to have power reconnected within a short time frame, if a satisfactory payment agreement is reached with the customer.

We contacted the Reviewer within a few minutes of receiving the complaint. The Reviewer explained that Mr. E. had a long history of delinquent accounts, missed payments, and bad cheques. The Reviewer had taken Mr. E.'s injury into account by substantially reducing the payment required for reconnection. However, he noted that the account had been delinquent long before the injury and despite adequate warnings, Mr. E. had made little effort to bring his account up to date. It was only after his power was disconnected that Mr. E. agreed to pay $800 on his account, on which he owed more than $2,000. The decision to accept payment only by cash, certified cheque, or money order was standard policy in such circumstances.

We determined that the terms for reconnection were reasonable in the circumstances, and advised Mr. E. that we could not substantiate his complaint against BC Hydro.

Case Summary: No Right to Drive

Not Substantiated

The Superintendent of Motor Vehicles had prohibited Mr. F. from driving until September 2001. Several internal reviews had not altered the decision. Mr. F. said that he wanted to be able to work and get off welfare. Because he lived in a small community, any employment would require that he be able to drive. At the very least he sought a restricted license that would allow him to work.

We were unable to support this complaint because we found no evidence to indicate that the Superintendent had acted unfairly. Mr. F.'s record disclosed that he had driven for years without either a driver's or learner's license. His record also contained several convictions for driving while prohibited. The Superintendent's decision had been made in consideration of the public interest under section 93 of the *Motor Vehicle Act*. The Superintendent could not accommodate Mr. F.'s request for a restricted license, for he does not have statutory authority to issue such a license.

Case Summary: No Leg to Stand On

Not Substantiated

Mr. C. had failed to pay back his student loan and complained about the Ministry of Finance's decision to garnish his bank account. Mr. C. was a full time student and, as such, he felt that his student loan should not be due until he completed his degree. Mr. C. believed that as long as he was a full time student, he was not required to make payments.

The student loan program provides that only students enrolled in schools that have been designated by the Ministry of Advanced Education, Training and Technology are considered to be full time students for the purposes of the student loan Program. Mr. C. was enrolled in an out-of-country, non-designated school.

We confirmed that Mr. C. had been provided with adequate notice that the school in which he was registered was not a designated school. We also confirmed that ministry officials wrote to Mr. C. several times requesting repayment of the loan. After unsuccessful attempts to collect the debt, the ministry obtained a court order against Mr. C. While Mr. C. chose not to attend the court hearing, we were satisfied that he was properly notified of the ministry's intent to seek a court order. We further confirmed that before proceeding to garnish Mr. C.'s account, the ministry wrote to him again requesting that he complete a financial report form, in order to determine an appropriate payment arrangement. Mr. C. had failed to respond to these notices. In view of all the information reviewed, we found no grounds to substantiate Mr. C.'s complaint.

Case Summary: Just Fine!

Not Substantiated

Mr. H. called us to complain that a university's process for disputing a parking ticket was inadequate. No one independent of parking services had reviewed the dispute and he contrasted this with the judicial process for disputing tickets issued by the city. As well, Mr. H. thought the university applied the wrong "test" when considering ticket disputes. A dispute was only upheld where a driver could show his car was not where the ticket stated or could show extenuating circumstances, such as having to abandon the car because of mechanical problems. This is different from the judicial system, where a ticket can be successfully disputed on a technicality. That approach would have benefited Mr. H., as both the colour and the model of his car were incorrectly described on the ticket.

We concluded the university process is reasonable; someone not involved with the original ticket considers the dispute, and gives a reason for the decision. The process provides adequate safeguards. The university never withdraws parking privileges, and never withholds academic services for unpaid parking fines.

Section 23

(1) If, after completing an investigation, the Ombudsman is of the opinion that

(a) a decision, recommendation, act or omission that was the subject matter of the investigation was
(i) contrary to law,
(ii) unjust, oppressive or improperly discriminatory,
(iii) made, done or omitted under a statutory provision or other rule of law or practice that is unjust, oppressive or improperly discriminatory,
(iv) based wholly or partly on a mistake of law or fact or on irrelevant grounds or consideration,
(v) related to the application of arbitrary, unreasonable or unfair procedures, or
(vi) otherwise wrong,

(b) in doing or omitting an act or in making or acting on a decision or recommendation, an authority
(i) did so for an improper purpose,
(ii) failed to give adequate and appropriate reasons in relation to the nature of the matter, or
(iii) was negligent or acted improperly, or

(c) there was unreasonable delay in dealing with the subject matter of the investigation,

the Ombudsman must report that opinion and the reasons for it to the authority and may make the recommendation the Ombudsman considers appropriate.

(2) Without restricting subsection (1), the Ombudsman may recommend that

(a) a matter be referred to the appropriate authority for further consideration,
(b) an act be remedied,
(c) an omission or delay be rectified,
(d) a decision or recommendation be cancelled or changed,
(e) reasons be given,
(f) a practice, procedure or course of conduct be altered,
(g) an enactment or other rule of law be reconsidered, or
(h) any other steps be taken.

Section 23 lists the kinds of findings the Ombudsman may make and also lists the kinds of recommendations that can be made to correct unfairness.

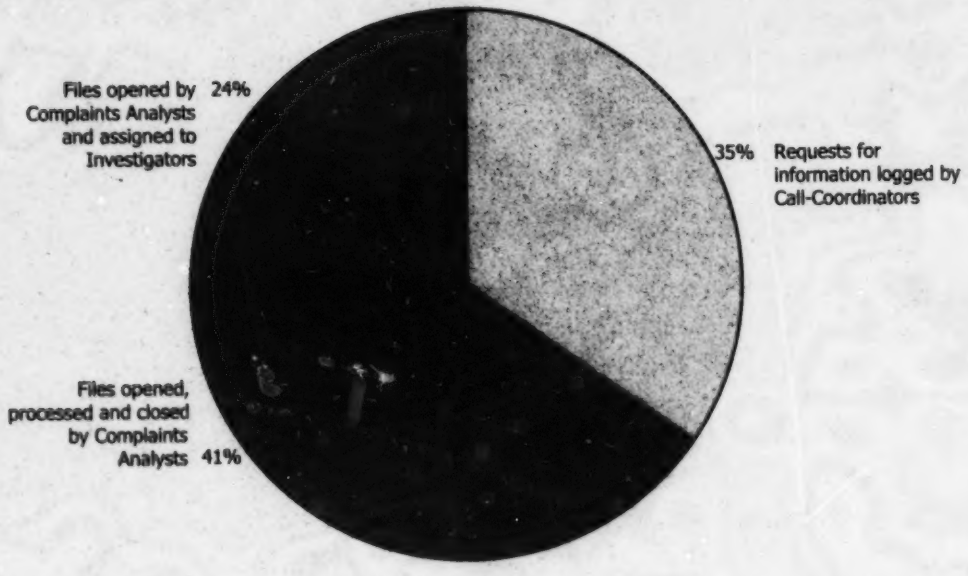
Where findings are made under this section, the Ombudsman must issue a report to the authority.

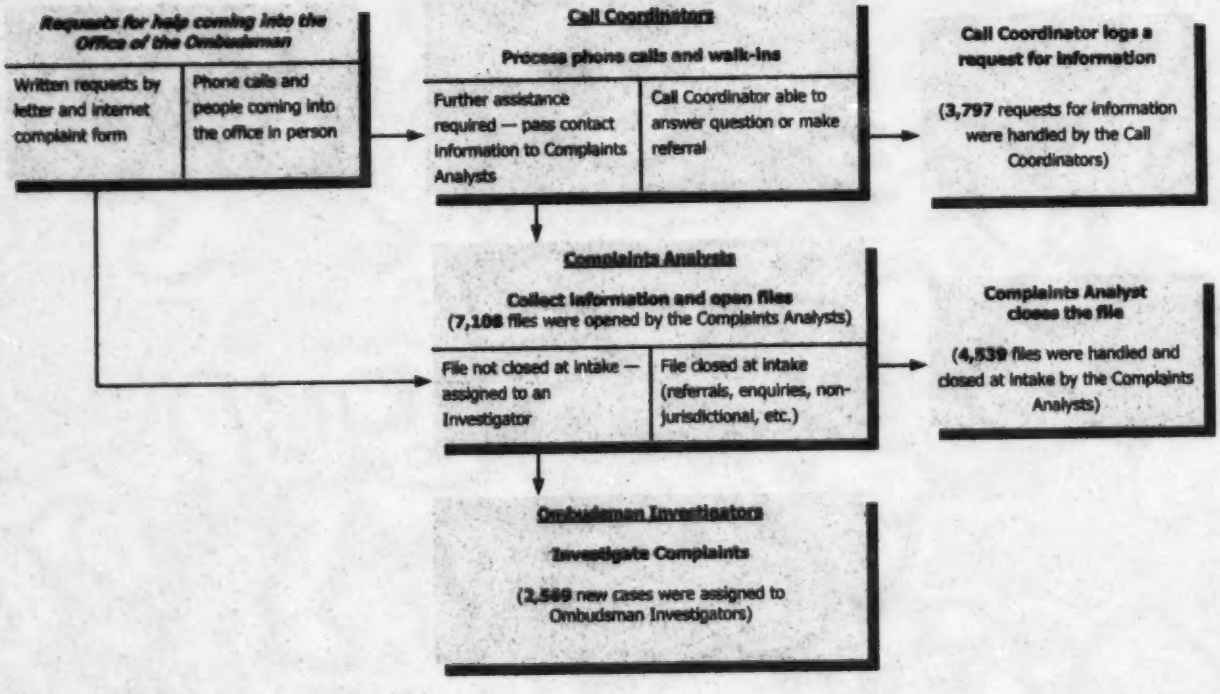
Although we do not have the power to order an authority to rectify unfairness, it is relatively unusual for an authority to refuse to do so.

In those cases where we have concerns about possible unfairness, we are usually able to resolve the complaint through discussion. Therefore, it is rarely necessary to exercise the powers of section 23. In 2000, no reports were issued under this section.

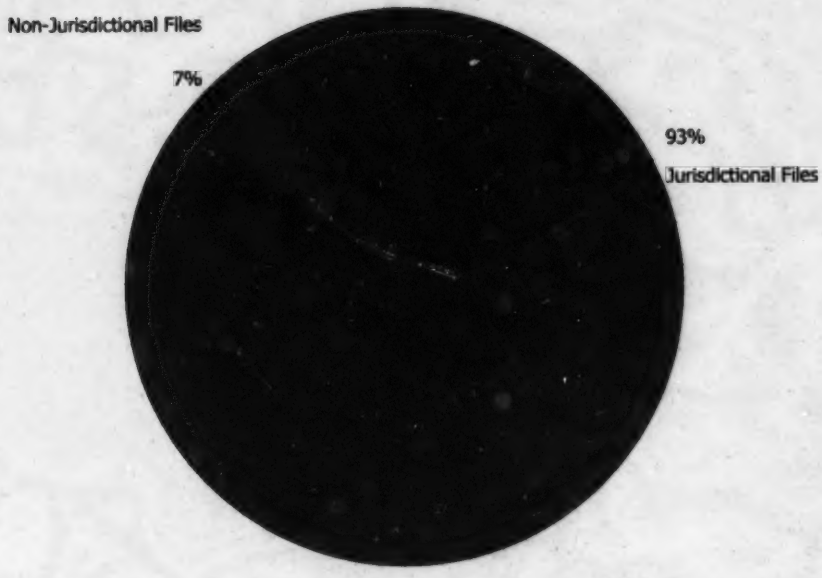
Although reliance on the powers of section 23 is rarely exercised, the language of section 23 and its lists of acts of unfairness form an integral part of our operations. It is our expectation that the annual report of 2001 will contain a more detailed discussion of the various provisions of section 23(1)(a), (b) and (c).

How Intakes Were Processed in 2000
Total Intakes: 10,905


Files opened by Complaints Analysts and assigned to Investigators 24%
35% Requests for information logged by Call-Coordinators
Files opened, processed and closed by Complaints Analysts 41%


Requests for help coming into the Office of the Ombudsman
Written requests by letter and internet complaint form
Phone calls and people coming into the office in person
Call Coordinators
Process phone calls and walk-ins
Further assistance required — pass contact information to Complaints Analysts
Call Coordinator able to answer question or make referral
Call Coordinator logs a request for information
(3,797 requests for information were handled by the Call Coordinators)
Complaints Analysts
Collect information and open files
(7,108 files were opened by the Complaints Analysts)
File not closed at intake — assigned to an Investigator
File closed at intake (referrals, enquiries, non-jurisdictional, etc.)
Complaints Analyst closes the file
(4,539 files were handled and closed at intake by the Complaints Analysts)
Ombudsman Investigators
Investigate Complaints
(2,569 new cases were assigned to Ombudsman Investigators)

Files Opened in 2000

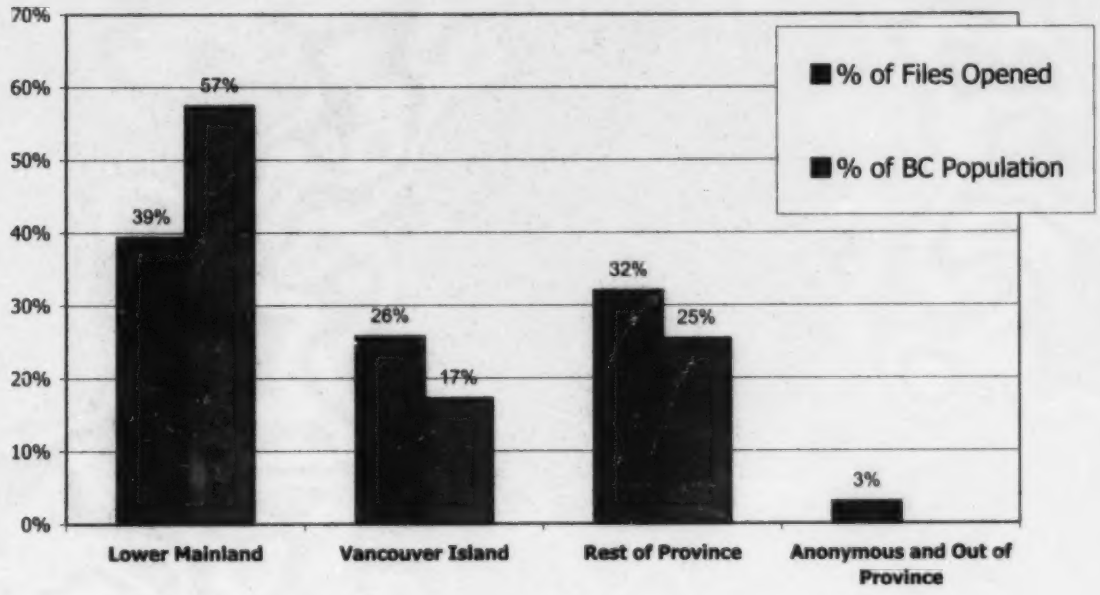


Intakes in 2000

	Jurisdictional	Non-Jurisdictional	**Totals**
Requests for Information	2,212	1,585	**3,797**
Files Opened	6,582	526*	**7,108**
Totals	**8,794**	**2,111**	**10,905**

* These files were opened when received but were subsequently closed because they were determined not to be within the Ombudsman's jurisdiction.

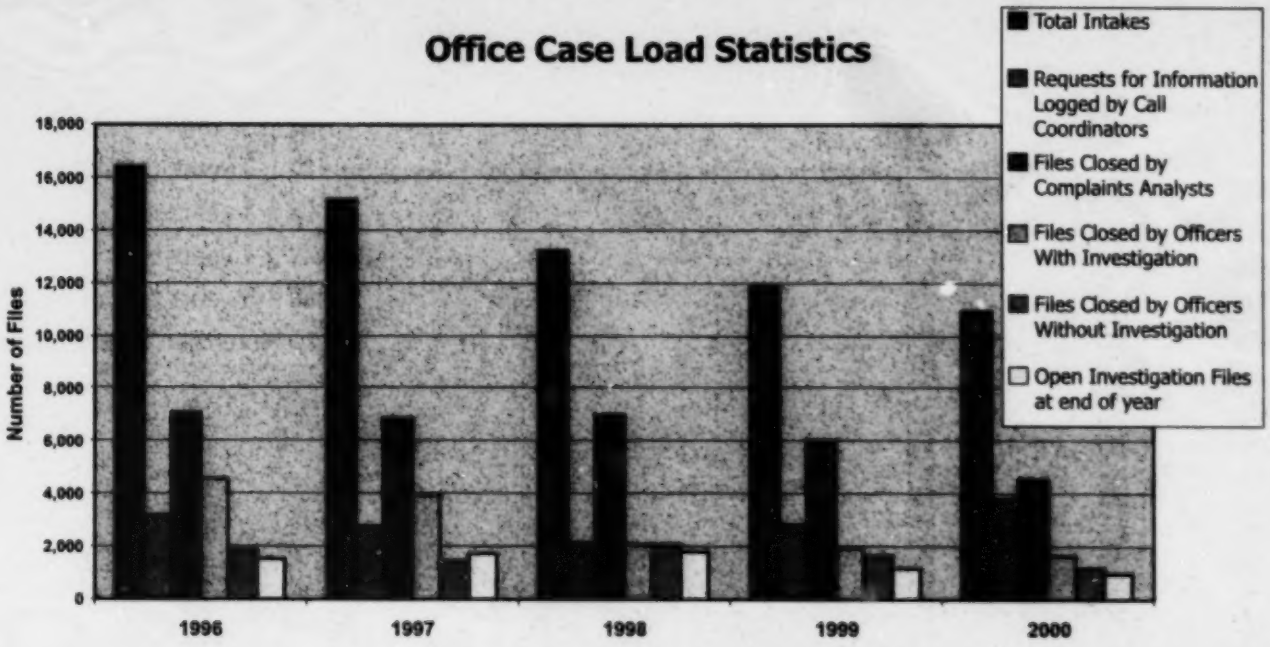
Jurisdictional Files Opened in 2000
Geographical Distribution of Files vs. Population



Breakdown of Files Opened in 2000 by Region

	Total Files Opened	Total Jurisdictional Files Opened
Lower Mainland	2,745	2,589
Vancouver Island	1,788	1,693
Rest of Province	2,223	2,106
Anonymous	265	112
Out of Province	87	82
Totals	7,108	6,582

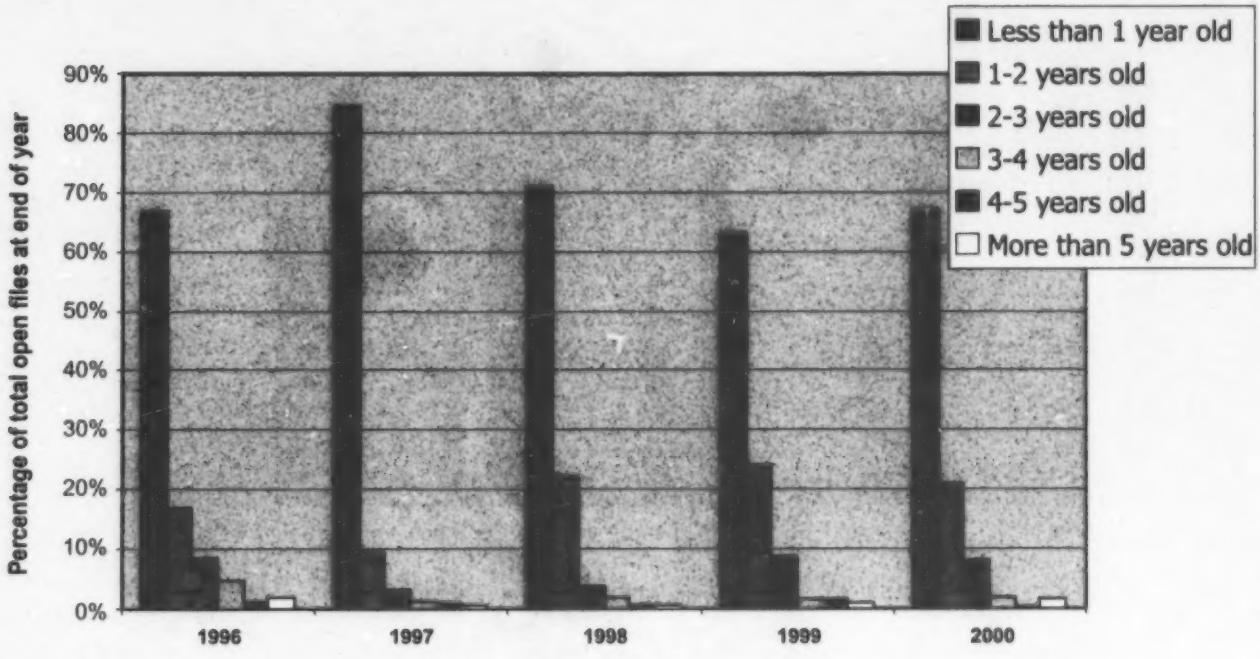
Office Case Load Statistics



Breakdown of Office Case Activity

	1996	1997	1998	1999	2000
Open at the beginning of the year	**1,791**	**1,509**	**1,755**	**1,779**	**1,191**
Requests for Information - Jurisdictional	1,002	989	1,248	1,590	2,212
Requests for Information - Non Jurisdictional	2,192	1,753	884	1,237	1,585
Complaints and Enquiries - Jurisdictional	11,865	11,313	10,179	8,297	6,582
Complaints and Enquiries - Non Jurisdictional	1,382	1,132	941	742	526
Total Intakes	**16,441**	**15,187**	**13,252**	**11,866**	**10,905**
Requests for Information Logged by Call-	3,194	2,742	2,132	2,827	3,797
Files Closed by Complaints Analysts	7,096	6,880	6,963	6,014	4,544
Total Files Closed at Intake	**10,290**	**9,622**	**9,095**	**8,841**	**8,341**
Closed by Officers With Investigation	4,590	3,919	2,050	1,959	1,646
Closed by Officers Without Investigation	1,888	1,431	2,111	1,675	1,170
Total Files Closed by Officers	**6,478**	**5,350**	**4,161**	**3,634**	**2,816**
Files Reopened	**45**	**31**	**28**	**21**	**25**
Open at the end of the year	**1,509**	**1,755**	**1,779**	**1,191**	**964**

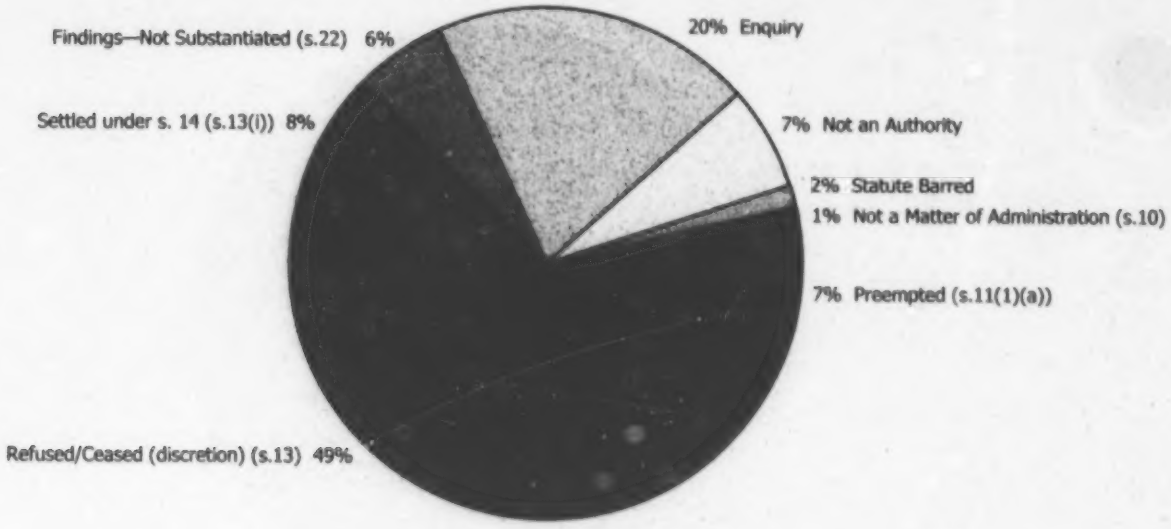
Age Distribution of Open Files



Number of Files Open at the End of Each Year

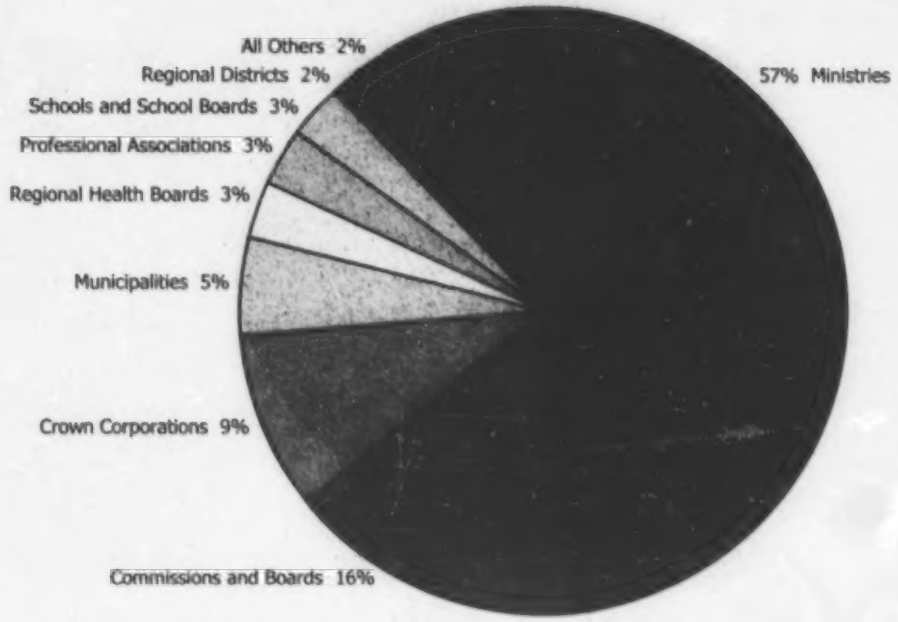
	1996	1997	1998	1999	2000
Less than 1 year old	1,010	1,485	1,260	752	646
1-2 years old	255	166	394	287	203
2-3 years old	126	57	67	105	79
3-4 years old	69	20	35	19	19
4-5 years old	19	17	10	18	3
More than 5 years old	30	10	13	10	14
Total open files	**1,509**	**1,755**	**1,779**	**1,191**	**964**

How Files Were Closed in 2000


Findings—Not Substantiated (s.22) 6%
20% Enquiry
Settled under s. 14 (s.13(i)) 8%
7% Not an Authority
2% Statute Barred
1% Not a Matter of Administration (s.10)
7% Preempted (s.11(1)(a))
Refused/Ceased (discretion) (s.13) 49%

Closing Status	No	Investigation	Total
Enquiry	1,494	NA	**1,494**
Not an authority	479	NA	**479**
Statute barred	118	NA	**118**
Not a matter of administration (s. 10)	83	9	**92**
Pre-empted (s. 11(1)(a))	494	33	**527**
Refused/Ceased (discretion) (s. 13)			
s. 13(a)	2	1	**3**
s. 13(b)	5	0	**5**
s. 13(c)	2,360	175	**2,535**
s. 13(d)	0	0	**0**
s. 13(e)	154	252	**406**
s. 13(f)	72	47	**119**
s. 13(g)	198	48	**246**
s. 13(h)	255	29	**284**
Settled under s. 14 (s. 13(i))	NA	622	**622**
Findings—Not Substantiated (s. 22)	NA	430	**430**
Total Files Closed in 2000	**5,714**	**1,646**	**7,360**

Files Closed in 2000
Authority Distribution



Ministries (57%)	
Ministry of Social Development and Economic Security	41.2%
Ministry for Children and Families	20.5%
Ministry of Attorney General	20.4%
Ministry of Health	3.5%
Ministry of Transportation and Highways	3.3%
Ministry of Labour	2.3%
Ministry of Environment, Lands and Parks	1.8%
Ministry of Finance and Corporate Relations	1.7%
Ministry of Forests	1.7%
Ministry of Advanced Education, Training and Technology	1.4%
Ministry of Municipal Affairs	0.6%
Ministry of Small Business, Tourism and Culture	0.4%
Ministry of Education	0.4%
Ministry of Energy and Mines	0.3%
Other Ministries	0.3%

Commissions and Boards (16%)	
Workers Compensation Board	40.2%
Residential Tenancy Branch	11.8%
Public Guardian and Trustee	6.8%
Workers Compensation Review Board	4.9%
BC Housing Management Corporation	4.6%
Human Rights Commission	4.5%
Forensic Psychiatric Services Commission	4.0%
Labour Relations Board	2.7%
Pension Corporation	2.7%
BC Mental Health Society	2.4%
Employment Standards Tribunal	1.7%
Private Post-Secondary Education Commission	1.1%
TransLink	1.0%
Other Commissions and Boards	11.8%

Crown Corporations (9%)	
Insurance Corporation of BC	54.8%
BC Hydro and Power Authority	26.4%
Forest Renewal BC	6.7%
BC Assets and Land Corporation	3.1%
BC Assessment Authority	2.3%
BC Ferry Corporation	2.3%
BC Transit Authority	1.9%
Other Crown Corporations	2.5%

Municipalities (5%)	
City of Vancouver	7.7%
City of Victoria	6.8%
City of Surrey	5.1%
City of Kelowna	3.7%
City of Coquitlam	3.1%
City of Nanaimo	2.8%
City of White Rock	2.8%
District of Langford	2.8%
Other Municipalities	65.1%

Professional Associations (3%)	
College of Physicians and Surgeons of BC	32.9%
Law Society of British Columbia	30.9%
College of Dental Surgeons of BC	9.2%
College of Psychologists of BC	5.3%
Other Professional Organizations	21.7%

Schools and School Boards (3%)	
School District 39 (Vancouver)	7.8%
School District 61 (Greater Victoria)	6.7%
School District 27 (Cariboo-Chilcotin)	5.7%
School District 23 (Central Okanagan)	5.2%
Other School Boards	74.6%

Regional Health Boards (3%)	
Capital Health Region	25.5%
Vancouver/Richmond Health Board	15.7%
South Fraser Valley Regional Health Board	12.0%
Okanagan Similkameen Health Board	9.3%
Simon Fraser Health Region	8.3%
Fraser Valley Regional Health Board	7.9%
Central Vancouver Island Regional Health Board	7.4%
Thompson Regional Health Board	5.6%
Other Regional Health Boards	8.3%

Regional Districts (2%)	
Capital Regional District	22.0%
Nanaimo Regional District	11.9%
Other Regional Districts	66.1%

All Others (2%)	
Colleges	43.9%
Universities	17.8%
Hospitals	11.5%
Community Health Councils	9.6%
Community Health Service Societies	6.4%
Islands Trust	5.1%
Improvement Districts	4.5%
Libraries	1.3%

2000 Authority Statistics

Authorities by Section of the Schedule to the *Ombudsman Act*	Files open as of 01-Jan-2000	Requests for Information in 2000	Files Closed in 2000						Files Open as of 31-Dec-2000
			Enquiries	Declined (s. 10, 11)	Refused/ Ceased (discretion)	Settled under s. 14 (s. 13(1))	Not Substantiated (s. 22)	Total Files Closed	
Ministries	**452**	**1016**	**722**	**852**	**2091**	**343**	**176**	**3864**	**341**
Ministry for Children and Families	74	14	157	21	519	86	8	791	42
Ministry of Aboriginal Affairs	0	1	0	0	0	0	0	0	0
Ministry of Advanced Education, Training and Technology	24	8	16	3	28	7	2	56	9
Ministry of Agriculture, Food & Fisheries	4	0	3	0	2	0	0	5	3
Ministry of Attorney General	80	594	146	35	486	80	40	787	37
Ministry of Community Development, Co-ops and Volunteers	0	0	3	0	1	0	0	4	0
Ministry of Education	4	1	4	0	8	3	1	16	5
Ministry of Employment and Investment	1	0	1	0	0	0	0	1	0
Ministry of Energy and Mines	11	1	3	0	2	4	2	11	10
Ministry of Environment, Lands and Parks	40	5	36	3	11	12	9	71	34
Ministry of Finance and Corporate Relations	23	38	21	5	23	11	7	67	18
Ministry of Forests	26	0	37	1	14	9	3	64	28
Ministry of Health	27	11	47	5	42	28	15	137	16
Ministry of Labour	23	106	38	4	32	7	9	90	15
Ministry of Municipal Affairs	7	5	6	2	10	0	7	25	10
Ministry of Small Business, Tourism and Culture	6	2	5	2	8	1	1	17	3
Ministry of Social Development and Economic Security	51	221	158	448	864	77	46	1593	42
Ministry of Transportation and Highways	50	9	40	3	41	17	25	126	49
Ministry of Women's Equality	1	0	1	0	0	1	1	3	1
Corporations and Boards	**340**	**709**	**279**	**116**	**502**	**107**	**82**	**1086**	**170**
Agricultural Land Commission	6	0	0	0	3	2	2	7	0
BC Benefits Appeal Board	1	0	3	0	2	0	1	6	1
BC Gaming Commission	1	0	1	0	1	0	1	3	0
BC Housing Management Commission	3	1	15	3	19	9	4	50	2
BC Mental Health Society	1	1	3	0	19	1	3	26	0
BC Racing Commission	0	0	2	0	0	0	0	2	1
BC Review Board	0	0	1	0	0	0	0	1	0
BC Securities Commission	6	1	2	1	4	2	0	9	3
BC Utilities Commission	3	38	4	0	2	1	2	9	2

2000 Authority Statistics

Authorities by Section of the Schedule to the *Ombudsman Act*	Files open as of 01-Jan-2000	Requests for Information in 2000	Files Closed in 2000						Files Open as of 31-Dec-2000
			Enquiries	Declined (s. 10, 11)	Refused/ Ceased (discretion)	Settled under s. 14 (s. 13(1))	Not Substantiated (s. 22)	Total Files Closed	
BC Wine Institute	0	0	1	0	0	0	0	1	0
Board of Hearing Aid Dealers and Consultants	2	0	0	0	0	0	0	0	2
Board of Parole	1	0	1	1	5	0	2	9	0
Children's Commission	0	2	0	0	1	3	3	7	1
College of Naturopathic Physicians of BC	1	0	0	0	1	0	0	1	1
Columbia Basin Trust	0	0	0	0	1	0	0	1	0
Community Social Services Employers Association	1	0	0	1	0	0	0	1	0
Coroners Service	6	0	2	0	1	2	2	7	4
Cosmetologists Association of BC	1	1	1	0	1	0	0	2	0
Electoral Boundaries Commission	2	0	0	0	0	0	0	0	2
Emergency Health Services Commission	1	0	3	1	3	2	0	9	2
Employment Standards Tribunal	13	0	6	0	12	0	1	19	14
Environmental Appeal Board	0	0	1	0	0	0	0	1	3
Farm Practices Board	0	0	1	0	0	0	0	1	0
Financial Institutions Commission	3	8	3	1	2	0	0	6	2
Forensic Psychiatric Services Commission	1	0	12	3	22	5	1	43	2
Forest Appeals Commission	0	0	0	0	1	0	0	1	0
Forest Practices Board	1	0	0	0	0	0	2	2	1
Health Employers Association of BC	0	0	0	0	2	0	0	2	1
Healthcare Labour Adjustment Agency	0	0	0	0	0	0	0	0	1
Human Rights Commission	13	7	19	3	21	0	6	49	10
Human Rights Tribunal	1	0	0	0	0	0	0	0	1
Industry Training and Apprenticeship Commission	3	0	2	0	2	2	1	7	0
Insurance Council of BC	1	1	3	0	1	0	0	4	2
Labour Relations Board	5	23	17	0	4	2	6	29	3
Land Reserve Commission	1	0	0	0	0	0	0	0	2
Mediation & Arbitration Board	0	0	0	0	0	0	0	0	1
Medical Services Commission	0	0	0	0	1	0	0	1	0
Motor Carrier Commission	3	1	2	1	4	2	0	9	0
Pension Corporation	22	0	7	2	7	7	6	29	21

2000 Authority Statistics

Authorities by Section of the Schedule to the *Ombudsman Act*	Files open as of 01-Jan-2000	Requests for Information in 2000	Files Closed in 2000						Files Open as of 31-Dec-2000
			Enquiries	Declined (s. 10, 11)	Refused/ Ceased (discretion)	Settled under s. 14 (s. 13(1))	Not Substantiated (s. 22)	Total Files Closed	
Premier's Office	0	1	1	0	0	0	1	2	0
Private Post-Secondary Education Commission	1	8	6	1	5	0	0	12	4
Property Assessment Appeal Board	1	0	0	0	0	0	0	0	2
Provincial Capital Commission	0	0	0	0	0	0	0	0	1
Public Guardian and Trustee	14	2	25	2	30	14	3	74	11
Public Service Appeal Board	0	0	0	0	0	0	0	0	1
Public Service Employee Relations Commission	2	1	2	0	1	2	2	7	1
Purchasing Commission	0	0	1	1	0	0	0	2	1
Real Estate Council	4	5	3	0	3	0	2	8	2
Residential Tenancy Branch	17	454	30	6	83	2	7	128	11
TransLink	4	0	7	1	0	2	1	11	6
Travel Assurance Board	1	0	0	0	0	0	0	0	1
Workers Compensation Board	78	244	79	81	221	35	31	427	44
Workers Compensation Review Board	15	0	13	9	17	12	2	53	8
Crown Corporations	**118**	**369**	**130**	**22**	**392**	**73**	**37**	**644**	**173**
BC Assessment Authority	3	0	5	3	2	2	3	15	6
BC Assets and Land Corporation	6	0	4	0	9	3	4	20	11
BC Buildings Corporation	3	0	3	0	1	2	0	6	1
BC Ferry Corporation	3	1	8	0	2	4	1	15	1
BC Hydro and Power Authority	15	55	18	1	120	23	8	170	9
BC Lottery Corporation	1	0	1	0	2	1	1	5	0
BC Rail	2	0	1	0	0	1	0	2	2
BC Transit Authority	0	1	5	1	3	3	0	12	2
Fisheries Renewal BC	1	0	0	0	1	0	0	1	0
Forest Renewal BC	9	0	36	1	3	0	3	43	104
Homeowner Protection Office	0	0	1	0	0	0	1	2	0
Insurance Corporation of BC	75	247	38	16	249	34	16	353	37
Professional Associations	**61**	**78**	**65**	**3**	**66**	**10**	**44**	**187**	**44**
Architectural Institute of BC	1	0	0	0	0	0	1	1	1
Association of Professional Engineers and Geoscientists	1	0	2	0	1	0	1	4	3

2000 Authority Statistics

Authorities by Section of the Schedule to the *Ombudsman Act*	Files open as of 01-Jan-2000	Requests for Information in 2000	Files Closed in 2000						Files Open as of 31-Dec-2000
			Enquiries	Declined (s. 10, 11)	Refused/ Ceased (discretion)	Settled under s. 14 (s. 13(1))	Not Substantiated (s. 22)	Total Files Closed	
Association of Professional Foresters	2	0	0	0	0	0	0	0	2
BC College of Chiropractors	0	0	0	0	1	0	0	1	1
BC Veterinary Medical Association	0	1	0	0	0	0	0	0	0
Barbers' Association	1	0	1	0	1	0	0	2	0
Board of Registration for Social Workers	1	0	0	0	2	0	0	2	2
College of Dental Surgeons of BC	2	4	0	0	6	1	4	10	1
College of Denturists of BC	2	1	1	0	3	1	2	7	4
College of Licensed Practical Nurses of BC	0	0	0	0	0	0	1	1	0
College of Massage Therapists of BC	0	0	3	0	0	0	0	3	0
College of Midwives of BC	0	0	0	0	0	0	1	1	0
College of Opticians of BC	1	0	0	0	2	0	2	4	1
College of Physicians and Surgeons of BC	11	34	35	2	16	4	11	68	6
College of Psychologists of BC	2	4	4	0	5	0	2	11	1
College of Registered Psychiatric Nurses of BC	2	0	0	0	0	0	1	1	1
College of Teachers	2	0	3	0	2	1	1	7	2
College of Traditional Chinese Medicine Practitioners of BC	0	0	1	0	0	0	0	1	0
Institute of Chartered Accountants of BC	4	2	1	0	1	0	1	3	3
Land Surveyors of BC	1	0	1	0	0	0	1	2	0
Law Society of British Columbia	27	29	21	1	24	3	15	64	16
Registered Nurses Association of BC	0	0	2	0	0	0	0	2	0
Society of Notaries Public	1	0	2	0	1	0	0	3	0
Municipalities	**119**	**13**	**44**	**46**	**207**	**18**	**36**	**353**	**102**
Bowen Island Municipality	0	0	0	0	1	0	0	1	0
City of Abbotsford	1	0	0	1	0	1	0	2	2
City of Armstrong	2	0	0	0	1	0	1	2	0
City of Burnaby	2	0	0	1	4	0	1	6	0
City of Castlegar	1	0	0	0	0	0	1	1	0
City of Chilliwack	3	0	0	0	2	1	1	4	1
City of Colwood	0	0	0	0	2	0	0	2	0
City of Coquitlam	6	1	1	0	5	1	4	11	5

2000 Authority Statistics

Authorities by Section of the Schedule to the *Ombudsman Act*	Files open as of 01-Jan-2000	Requests for Information in 2000	Files Closed in 2000						Files Open as of 31-Dec-2000
			Enquiries	Declined (s. 10, 11)	Refused/ Ceased (discretion)	Settled under s. 14 (s. 13(1))	Not Substantiated (s. 22)	Total Files Closed	
City of Courtenay	3	1	2	0	4	0	1	7	10
City of Cranbrook	0	0	0	0	1	0	0	1	1
City of Dawson Creek	0	1	0	0	0	0	0	0	0
City of Fernie	0	0	0	0	3	0	0	3	1
City of Fort St. John	0	0	1	0	1	0	0	2	0
City of Grand Forks	0	0	0	0	3	0	0	3	1
City of Greenwood	1	0	0	0	1	0	0	1	0
City of Kamloops	2	1	0	1	2	0	0	3	1
City of Kelowna	3	0	3	1	8	0	1	13	0
City of Kimberley	0	0	0	0	0	0	0	0	1
City of Langley	0	0	0	0	1	0	0	1	0
City of Merritt	0	0	0	0	1	0	0	1	0
City of Nanaimo	3	0	1	1	7	0	1	10	10
City of Nelson	0	0	0	1	1	0	0	2	0
City of New Westminster	1	0	1	1	2	1	0	5	1
City of North Vancouver	0	0	0	1	1	0	0	2	0
City of Parksville	2	0	0	1	0	1	1	3	0
City of Penticton	2	0	0	1	4	0	0	5	3
City of Port Alberni	0	0	0	0	5	0	0	5	0
City of Port Coquitlam	1	0	0	0	0	0	0	0	1
City of Port Moody	1	1	0	0	2	0	0	2	0
City of Prince George	1	0	0	1	3	0	0	4	2
City of Prince Rupert	0	0	1	1	1	0	0	3	0
City of Quesnel	0	0	0	2	2	0	0	4	0
City of Revelstoke	2	0	1	0	1	1	1	4	0
City of Richmond	0	1	2	1	0	0	0	3	2
City of Rossland	1	0	0	0	0	0	1	1	0
City of Surrey	10	0	3	3	7	3	2	18	5
City of Terrace	0	0	0	0	0	0	0	0	1
City of Trail	0	0	0	0	2	0	0	2	1

2000 Authority Statistics

Authorities by Section of the Schedule to the *Ombudsman Act*	Files open as of 01-Jan-2000	Requests for Information in 2000	Files Closed in 2000						Files Open as of 31-Dec-2000
			Enquiries	Declined (s. 10, 11)	Refused/ Ceased (discretion)	Settled under s. 14 (s. 13(1))	Not Substantiated (s. 22)	Total Files Closed	
City of Vancouver	6	2	4	9	11	1	2	27	6
City of Vernon	1	0	0	0	2	0	0	2	2
City of Victoria	2	1	2	6	12	1	3	24	2
City of White Rock	2	0	0	1	7	0	2	10	1
Corporation of Delta	0	0	1	0	1	0	0	2	0
District of 100 Mile House	0	0	0	0	2	0	0	2	0
District of Campbell River	0	0	0	0	1	1	0	2	0
District of Central Saanich	3	0	2	1	2	0	2	7	4
District of Chetwynd	0	0	0	0	2	0	0	2	0
District of Hope	1	0	0	1	0	1	0	2	0
District of Invermere	1	1	0	0	2	0	0	2	0
District of Kitimat	0	0	0	0	2	0	0	2	1
District of Lake Country	2	0	2	0	3	0	0	5	2
District of Langford	2	0	1	0	8	1	0	10	1
District of Lillooet	0	0	1	0	0	0	0	1	0
District of Logan Lake	0	0	0	0	1	0	0	1	0
District of Maple Ridge	0	0	1	0	1	0	0	2	0
District of Mission	1	0	1	1	2	0	1	5	1
District of North Cowichan	3	0	1	0	3	0	0	4	1
District of North Saanich	1	0	0	0	0	0	0	0	3
District of North Vancouver	3	0	0	0	8	0	0	8	1
District of Oak Bay	2	0	0	2	1	0	1	4	1
District of Port Hardy	1	0	0	0	0	0	1	1	0
District of Powell River	0	0	0	0	2	0	0	2	1
District of Saanich	3	1	0	3	4	0	0	7	3
District of Salmon Arm	0	0	0	0	2	0	0	2	0
District of Sechelt	0	0	1	0	4	0	0	5	2
District of Sooke	0	0	0	1	2	0	0	3	0
District of Sparwood	1	0	0	0	2	0	0	2	0
District of Squamish	2	0	0	0	1	0	1	2	1

2000 Authority Statistics

Authorities by Section of the Schedule to the *Ombudsman Act*	Files open as of 01-Jan-2000	Requests for information in 2000	Files Closed in 2000						Files Open as of 31-Dec-2000
			Enquiries	Declined (s. 10, 11)	Refused/ Ceased (discretion)	Settled under s. 14 (s. 13(1))	Not Substantiated (s. 22)	Total Files Closed	
District of Stewart	0	0	0	0	1	0	0	1	0
District of Summerland	4	0	0	0	2	1	0	3	1
District of Tofino	2	0	1	0	2	2	0	5	2
District of Ucluelet	0	0	0	0	1	0	0	1	1
District of Vanderhoof	0	0	0	0	2	0	0	2	0
Resort Municipality of Whistler	2	0	0	0	1	0	0	1	2
Town of Comox	1	0	0	0	0	0	1	1	0
Town of Creston	1	0	0	0	0	0	0	0	1
Town of Gibsons	1	0	0	0	2	1	0	3	0
Town of Oliyoos	1	0	0	0	0	0	1	1	0
Town of Princeton	0	0	0	0	2	0	0	2	1
Town of Qualicum Beach	3	1	1	0	2	0	0	3	2
Town of Sidney	1	0	1	0	0	0	1	2	0
Town of Smithers	0	0	1	0	0	0	0	1	1
Town of View Royal	0	1	1	1	3	0	0	5	0
Township of Esquimalt	0	0	0	1	4	0	0	5	2
Township of Langley	6	0	0	0	7	1	1	9	1
Village of Anmore	1	0	0	0	2	0	0	2	1
Village of Belcarra	0	0	0	0	0	0	0	0	1
Village of Chase	4	0	2	0	4	0	1	7	0
Village of Fruitvale	0	0	0	0	1	0	0	1	0
Village of Gold River	0	0	0	1	0	0	0	1	1
Village of Harrison Hot Springs	1	0	0	0	0	0	0	0	1
Village of Kaslo	0	0	1	0	0	0	0	1	1
Village of Kanmetka	1	0	1	0	0	0	0	1	0
Village of Lake Cowichan	0	0	0	0	0	0	0	0	1
Village of Massett	1	0	0	0	0	0	1	1	0
Village of Nakusp	0	0	1	0	3	0	0	4	0
Village of Pouce Coupe	0	0	1	0	0	0	0	1	0
Village of Telkwa	1	0	0	0	1	0	1	2	0

2000 Authority Statistics

Authorities by Section of the Schedule to the *Ombudsman Act*	Files open as of 01-Jan-2000	Requests for Information in 2000	Files Closed in 2000						Files Open as of 31-Dec-2000
			Enquiries	Declined (s. 10, 11)	Refused/ Ceased (discretion)	Settled under s. 14 (s. 13(1))	Not Substantiated (s. 22)	Total Files Closed	
Village of Valemount	0	0	0	0	1	0	0	1	0
Regional Districts	**43**	**2**	**21**	**7**	**62**	**6**	**13**	**108**	**24**
Alberni-Clayoquot Regional District	0	0	1	0	2	0	0	3	5
Bulkley-Nechako Regional District	0	1	0	0	0	0	0	0	0
Capital Regional District	6	0	5	1	16	1	1	24	3
Cariboo Regional District	2	0	0	0	4	0	0	4	1
Central Kootenay Regional District	1	0	0	0	3	0	0	3	0
Central Okanagan Regional District	2	0	1	0	1	1	1	4	1
Columbia-Shuswap Regional District	0	0	1	0	1	0	0	2	1
Comox-Strathcona Regional District	6	0	0	0	6	1	2	9	2
Cowichan Valley Regional District	0	0	1	0	1	0	0	2	0
East Kootenay Regional District	1	0	1	0	2	0	0	3	1
Fraser Valley Regional District	2	0	1	0	2	1	1	5	1
Fraser-Fort George Regional District	3	0	0	0	2	0	0	2	1
Greater Vancouver Regional District	4	0	1	1	4	0	1	7	1
Kitimat-Stikine Regional District	2	0	0	0	1	0	2	3	1
Kootenay Boundary Regional District	2	0	0	0	0	0	2	2	0
Mount Waddington Regional District	3	0	0	1	1	0	1	3	0
Nanaimo Regional District	2	0	5	0	7	1	0	13	2
North Okanagan Regional District	0	0	1	0	2	0	0	3	1
Okanagan-Similkameen Regional District	3	1	1	4	2	0	1	8	1
Peace River Regional District	0	0	1	0	0	0	0	1	0
Powell River Regional District	0	0	0	0	0	1	0	1	0
Skeena-Queen Charlotte Regional District	2	0	0	0	1	0	0	1	2
Sunshine Coast Regional District	0	0	1	0	1	0	0	2	0
Thompson-Nicola Regional District	2	0	0	0	3	0	1	4	0
Islands Trust	**0**	**0**	**0**	**1**	**3**	**1**	**3**	**8**	**7**
Improvement Districts	**0**	**0**	**0**	**0**	**3**	**2**	**2**	**7**	**0**
Ericlson Improvement District	1	0	0	0	1	0	0	1	0
Grand Forks Rural Fire Protection District	1	0	0	0	0	0	1	1	0

2000 Authority Statistics

Authorities by Section of the Schedule to the *Ombudsman Act*	Files open as of 01-Jan-2000	Requests for Information in 2000	Files Closed in 2000						Files Open as of 31-Dec-2000
			Enquiries	Declined (s. 10, 11)	Refused/ Ceased (discretion)	Settled under s. 14 (s. 13(1))	Not Substantiated (s. 22)	Total Files Closed	
Hedley Improvement District	1	0	0	0	0	1	0	1	0
Heffley Creek Waterworks District	0	0	0	0	0	0	0	0	1
Lakeview Irrigation District	1	0	0	0	0	0	0	0	1
Mill Bay Fire Protection District	1	0	0	0	0	0	0	0	1
North Salt Spring Waterworks District	1	0	0	0	0	0	1	1	0
Ocean Falls Improvement District	1	0	0	0	1	0	0	1	0
Royston Improvement District	0	0	0	0	0	0	0	0	1
Trethewey-Edge Dyking District	1	0	0	0	0	0	0	0	1
Union Bay Improvement District	1	0	0	0	0	1	0	1	0
Westbank Irrigation District	0	0	0	0	1	0	0	1	1
Schools and School Boards	**39**	**0**	**52**	**4**	**98**	**33**	**6**	**193**	**30**
School District 5 (Southeast Kootenay)	2	0	1	0	5	0	0	6	1
School District 6 (Rocky Mountain)	1	0	0	0	0	0	0	0	1
School District 8 (Kootenay Lake)	2	0	1	0	4	1	0	6	0
School District 19 (Revelstoke)	2	0	0	0	2	0	0	2	0
School District 20 (Kootenay-Columbia)	1	0	2	0	2	2	0	6	0
School District 22 (Vernon)	0	0	0	0	1	2	0	3	0
School District 23 (Central Okanagan)	2	0	4	0	6	0	0	10	1
School District 27 (Cariboo-Chilcotin)	0	0	3	0	8	0	0	11	0
School District 28 (Quesnel)	1	0	0	0	1	0	0	1	1
School District 33 (Chilliwack)	1	0	1	0	0	1	0	2	0
School District 34 (Abbotsford)	0	0	0	0	2	0	0	2	0
School District 35 (Langley)	1	0	0	0	1	1	0	2	1
School District 36 (Surrey)	2	0	3	0	3	2	1	9	1
School District 37 (Delta)	1	0	0	0	2	1	0	3	1
School District 38 (Richmond)	1	0	0	0	4	0	0	4	1
School District 39 (Vancouver)	8	0	5	1	4	3	2	15	3
School District 40 (New Westminster)	1	0	1	0	0	0	0	1	1
School District 41 (Burnaby)	4	0	1	0	3	2	0	6	0
School District 42 (Maple Ridge)	3	0	2	1	3	2	0	8	0

2000 Authority Statistics

Authorities by Section of the Schedule to the *Ombudsman Act*	Files open as of 01-Jan-2000	Requests for Information in 2000	Files Closed in 2000						Files Open as of 31-Dec-2000
			Enquiries	Declined (s. 10, 11)	Refused/ Ceased (discretion)	Settled under s. 14 (s. 13(1))	Not Substantiated (s. 22)	Total Files Closed	
School District 43 (Coquitlam)	1	0	2	0	0	1	0	3	1
School District 45 (W Vancouver)	0	0	0	0	0	2	0	2	0
School District 46 (Sunshine Coast)	1	0	0	0	0	0	0	0	1
School District 47 (Powell River)	0	0	0	0	1	0	1	2	0
School District 48 (Howe Sound)	0	0	1	0	1	1	0	3	0
School District 49 (Central Coast)	0	0	0	0	1	0	0	1	0
School District 50 (Haida Gwaii/Queen Charlotte)	0	0	2	0	0	0	0	2	0
School District 51 (Boundary)	1	0	0	0	1	0	0	1	0
School District 52 (Prince Rupert)	0	0	0	0	0	0	0	0	1
School District 54 (Bulkley Valley)	3	0	0	0	2	0	1	3	0
School District 58 (Nicola-Similkameen)	0	0	1	0	0	0	0	1	0
School District 59 (Peace River South)	1	0	0	0	1	0	0	1	1
School District 60 (Peace River North)	1	0	0	0	1	0	0	1	1
School District 61 (Greater Victoria)	5	0	4	0	5	4	0	13	2
School District 62 (Sooke)	1	0	0	0	4	1	0	5	0
School District 63 (Saanich)	0	0	2	0	2	2	0	6	0
School District 64 (Gulf Islands)	0	0	0	0	2	0	1	3	0
School District 68 (Nanaimo-Ladysmith)	2	0	1	0	2	1	0	4	3
School District 69 (Qualicum)	1	0	1	0	1	0	0	2	0
School District 70 (Alberni)	1	0	3	0	3	0	0	6	1
School District 71 (Comox Valley)	1	0	0	1	1	1	0	3	0
School District 72 (Campbell River)	0	0	1	0	0	0	0	1	0
School District 73 (Kamloops/Thompson)	0	0	0	1	2	0	0	3	0
School District 74 (Gold Trail)	0	0	2	0	1	0	0	3	1
School District 75 (Mission)	1	0	1	0	3	0	0	4	1
School District 78 (Fraser-Cascade)	1	0	1	0	0	0	0	1	1
School District 79 (Cowichan Valley)	2	0	0	0	4	1	0	5	0
School District 81 (Fort Nelson)	0	0	1	0	0	0	0	1	0
School District 82 (Coast Mountains)	1	0	2	0	4	0	0	6	2
School District 83 (North Okanagan-Shuswap)	0	0	1	0	3	0	0	4	0

2000 Authority Statistics

Authorities by Section of the Schedule to the *Ombudsman Act*	Files open as of 01-Jan 2000	Requests for Information in 2000	Files Closed in 2000						Files Open as of 31-Dec-2000
			Enquiries	Declined (s. 10, 11)	Refused/ Ceased (discretion)	Settled under s. 14 (s. 13(1))	Not Substantiated (s. 22)	Total Files Closed	
School District 84 (Vancouver Island West)	0	0	0	0	1	0	0	1	0
School District 85 (Vancouver Island North)	0	0	0	0	1	1	0	2	0
School District 87 (Stikine)	1	0	0	0	0	0	0	0	1
School District 91 (Nechako Lakes)	1	0	0	0	0	1	0	1	0
School District 92 (Nisga'A)	0	0	2	0	0	0	0	2	1
Universities	**18**	**0**	**9**	**1**	**12**	**1**	**5**	**28**	**13**
Simon Fraser University	5	0	3	0	6	0	2	11	2
University of British Columbia	9	0	5	1	5	1	3	15	7
University of Northern BC	0	0	1	0	0	0	0	1	0
University of Victoria	4	0	0	0	1	0	0	1	4
Colleges	**25**	**0**	**19**	**3**	**29**	**13**	**6**	**69**	**8**
BC Institute of Technology	0	0	4	0	1	0	0	5	3
Camosun College	7	0	2	0	5	2	2	11	2
Capilano College	1	0	0	0	1	0	1	2	0
College of New Caledonia	1	0	1	0	3	0	0	4	0
College of the Rockies	1	0	1	0	4	0	0	5	1
Douglas College	1	0	1	0	2	0	0	3	0
Emily Carr Institute of Art and Design	3	0	0	0	0	3	0	3	0
Institute of Indigenous Government	0	0	0	0	0	0	1	1	0
Justice Institute of BC	1	0	1	0	2	1	0	4	0
Kwantlen University College	1	0	2	0	0	0	0	2	0
Langara College	3	0	0	0	2	1	2	5	0
Malaspina College	2	0	1	0	2	2	0	5	1
North Island College	0	0	1	0	0	1	0	2	0
Northwest Community College	1	0	0	0	2	1	0	3	0
Okanagan University College	1	0	2	1	1	0	0	4	1
Open Learning Agency	0	0	1	0	1	1	0	3	0
University College of the Cariboo	1	0	1	0	2	0	0	3	0
University College of the Fraser Valley	1	0	0	1	1	1	0	3	0
Vancouver Community College	0	0	1	0	0	0	0	1	0

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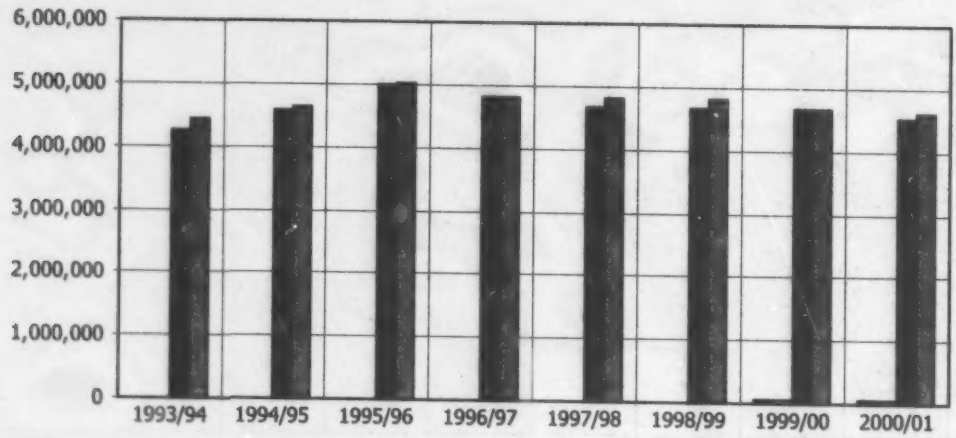
Authorities by Section of the Schedule to the *Ombudsman Act*	Files open as of 01-Jan-2000	Requests for Information in 2000	Files Closed in 2000						Files Open as of 31-Dec-2000
			Enquiries	Declined (s. 10, 11)	Refused/ Ceased (discretion)	Settled under s. 14 (s. 13(1))	Not Substantiated (s. 22)	Total Files Closed	
Libraries	**2**	**0**	**0**	**0**	**1**	**0**	**0**	**2**	**1**
Fraser Valley Regional Library	1	0	0	0	2	0	0	2	
Greater Victoria Public Library	1	0	0	0	0	0	0	0	1
Hospitals	**4**	**0**	**4**	**0**	**13**	**0**	**1**	**18**	**1**
BC Cancer Agency	1	0	0	0	0	0	0	0	1
Children's and Women's Health Centre of BC	0	0	2	0	0	0	0	2	0
Providence Health Care	0	0	0	0	4	0	0	4	0
Vancouver Hospital and Health Science Centres	3	0	2	0	9	0	1	12	0
Regional Health Boards	**28**	**2**	**78**	**8**	**101**	**13**	**16**	**216**	**30**
Capital Health Region	8	0	20	4	23	3	5	55	8
Central Vancouver Island Regional Health Board	6	0	5	0	6	1	4	16	3
Fraser Valley Regional Health Board	1	0	4	0	12	1	0	17	2
North Okanagan Regional Health Board	0	0	5	0	2	0	0	7	1
North Shore Health Region	0	0	2	0	1	1	1	5	4
Northern Interior Regional Health Board	1	0	3	1	1	1	0	6	2
Okanagan Similkameen Health Board	5	0	4	1	13	1	1	20	2
Simon Fraser Health Region	2	1	9	2	5	2	0	18	2
South Fraser Health Region	2	0	13	0	12	0	1	26	1
Thompson Regional Health Board	3	0	4	0	3	3	2	12	1
Vancouver/Richmond Health Board	0	1	9	0	23	0	2	34	4
Community Health Councils	**2**	**0**	**8**	**0**	**5**	**0**	**2**	**15**	**3**
Bella Coola District Transitional Health Authority	0	0	1	0	0	0	0	1	0
Boundary Health Council	0	0	2	0	0	0	0	2	0
Campbell River/Nootka Health Council	0	0	0	0	1	0	0	1	0
Central Cariboo Chilcotin Health Council	1	0	1	0	0	0	0	1	1
Comox Valley Community Health Council	0	0	0	0	1	0	0	1	0
Creston and District Health Council	0	0	2	0	0	0	0	2	0
Kitimat and Area Health Council	0	0	0	0	0	0	0	0	1
Nelson and Area Health Council	0	0	0	0	2	0	0	2	0
Queen Charlotte Islands/Haida Gwaii Health Council	0	0	1	0	0	0	0	1	0

2000 Authority Statistics

Authorities by Section of the Schedule to the *Ombudsman Act*	Files open as of 01-Jan-2000	Requests for Information in 2000	Files Closed in 2000						Files Open as of 31-Dec-2000
			Enquiries	Declined (s. 10, 11)	Refused/ Ceased (discretion)	Settled under s. 14 (s. 13(1))	Not Substantiated (s. 22)	Total Files Closed	
South Peace Community Health Council	0	0	1	0	0	0	0	1	0
Terrace and Area Health Council	1	0	0	0	1	0	2	3	1
Community Health Service Societies	**3**	**0**	**3**	**0**	**5**	**1**	**1**	**10**	**3**
Cariboo Community Health Service Society	0	0	0	0	2	0	0	2	0
Coast Garibaldi Community Health Services Society	0	0	2	0	1	0	0	3	0
East Kootenay Community Health Services Society	0	0	0	0	1	1	0	2	0
Kootenay Boundary Community Health Serv. Society	0	0	1	0	1	0	0	2	0
North West Community Health Services Society	1	0	0	0	0	0	0	0	1
Upper Island/Central Coast Health Services Society	1	0	0	0	0	0	1	1	2
Jurisdictional Totals	**1187**	**2212**	**1444**	**744**	**3590**	**622**	**430**	**6830**	**984**
Non-Jurisdictional Totals	**4**	**1555**	**50**	**472**	**8**	**NA**	**NA**	**530**	**0**
Grand Totals for 2000	**1191**	**3767**	**1494**	**1216**	**3598**	**622**	**430**	**7360**	**984**

Note: *Data for files open as of 01-Jan-2000 may be slightly different from data reported in the 1999 Annual Report in the column "Files Open as of 31-Dec-1999" due to data cleanup and elimination of duplicate files.*

Budget Summary



	1993/94	1994/95	1995/96	1996/97	1997/98	1998/99	1999/00	2000/01
Actual Capital Expenditure							48,000	52,000
Capital Budget							54,000	54,000
Actual Operating Expenditure	4,266,416	4,585,984	4,996,543	4,806,000	4,680,000	4,680,000	4,663,000	4,530,000
Operating Budget	4,448,000	4,641,000	5,020,000	4,819,000	4,807,000	4,829,000	4,663,000	4,610,000
FTEs	49	50	53	50	50	50	50	50

Notes:

The operating budget for 1997/98 includes $132,000 accessed from the contingencies vote to assist with upgrading computer systems.

The operating budget for 1998/99 includes adjustments made to implement amortization of the capital costs of computer hardware and software.

The operating budget for 1999/00 includes $8,000 accessed from contingencies to adjust for an inadequate allocation for amortization expenditures.

A separate capital budget was introduced in 1999/2000 for computer hardware and software purchases

Staff

Angela Forth
Anita McCamley
Brad Cambrey
Brent Parfitt
Bruce Clarke
Bruce Edmundson
Bruce Ronayne
Carlene Thistle-Walker
Carol Kemeny
Christina McMillan
Christine Morris
Del Phillips
Dale Bryant
David Davis
Diane Johnston
Dorothy Hayward
Dorothy Skeldon
Eileen Diersch
Elaine Fitch
Elizabeth Nicholls
Errol Nadeau
Fe Alcos
Florance Harvey
Gladys Clarke
Greg Levine
Gretchen Cleveland
Helene Desilets
Holly Williams
Howard Kushner
Ian MacCuish
Jacqualine Kenney
Jacqueline Restall

Practicum Students

Alan Stewart (systems)
Eri Yamagata (legal)
Helen Parker (legal)
Kimberly Yanick (systems)
Peter Brennan (systems)

Staff

Janet Hacker
Janice Curtis
Jennifer Bertsch
Jo-Anne Kern
Jocelyne Perreault
Johanna Thomas
Judy Ashbourne
Lanny Hubbard
Linda Carlson
Linda Pink
Louise Graham
Lyle McFadyen
Marisol Sepulveda
Mark McDonald
Michael Ross
Michelle Poulton
Neyleen Khamisa
Pat Anderson
Rhonda Brown
Richard Webber
Roberta Hughes
Rosanna Stall
Rochelle Walter
Sandra Chan
Sandy Powlik
Sandy Wharf
Sidney Dennison
Steven Threadkell
Susan Berry
Sussi Arason
Ted Mitchell
Vivian Pearcy

Contractors

Bevan Thistlewaite
Caroline Daniels
Dee Van Straaten

OMBUDSMAN ACT

[RSBC 1996] CHAPTER 340

Definition

1 In this Act, **"authority"** means an authority set out in the Schedule or added under section 35 and includes members and employees of the authority.

Appointment of Ombudsman

2 (1) On the recommendation of the Legislative Assembly, the Lieutenant Governor must appoint as an officer of the Legislature an Ombudsman to exercise the powers and perform the duties assigned to the Ombudsman under this Act.
(2) The Legislative Assembly must not recommend a person to be appointed Ombudsman unless a special committee of the Legislative Assembly has unanimously recommended to the Legislative Assembly that the person be appointed.

Term of office

3 (1) The Ombudsman must be appointed for a term of 6 years and may be reappointed in the manner provided in section 2 for further 6 year terms.
(2) The Ombudsman must not hold another office or engage in other employment.

Remuneration

4 (1) The Ombudsman is entitled to be paid, out of the consolidated revenue fund, a salary equal to the salary paid to the chief judge of the Provincial Court.
(2) The Ombudsman must be reimbursed for reasonable travelling and out of pocket expenses necessarily incurred in discharging duties.

Pension

5 (1) Subject to subsections (2) and (3), the Public Service Pension Plan, continued under the *Public Sector Pension Plans Act,* applies to the Ombudsman.
(2) When calculating the amount of a pension under the Public Service Pension Plan, each year of service as Ombudsman must be counted as 1 1/2 years of pensionable service.
(3) Despite the accrual of 35 years of pensionable service, contributions to the Public Service Pension Plan must continue for each additional year of service up to 35 years of contributory service.

Resignation, removal or suspension

6 (1) The Ombudsman may at any time resign the office by written notice

(a) to the Speaker of the Legislative Assembly, or

(b) to the Clerk of the Legislative Assembly if there is no Speaker or if the Speaker is absent from British Columbia.

(2) On the recommendation of the Legislative Assembly, based on cause or incapacity, the Lieutenant Governor must, in accordance with the recommendation,

(a) suspend the Ombudsman, with or without salary, or

(b) remove the Ombudsman from office.

(3) On the recommendation of the Legislative Assembly the Lieutenant Governor must appoint an acting Ombudsman if

(a) the Ombudsman is suspended or removed,

(b) the office of Ombudsman becomes vacant for a reason other than by operation of subsection (4) (c), or

(c) the Ombudsman is temporarily ill or temporarily absent for another reason.

(4) The appointment of an acting Ombudsman under subsection (3) terminates

(a) on the appointment of a new Ombudsman under section 2,

(b) at the end of the period of suspension of the Ombudsman,

(c) immediately after the expiry of 30 sitting days after the commencement of the next session of the Legislature, or

(d) on the return to office of the Ombudsman from the temporary illness or absence

whichever occurs first.

(5) If the Legislature is not sitting and is not ordered to sit within the next 5 days, the Lieutenant Governor in Council may suspend the Ombudsman from office, with or without salary, for cause or incapacity, but the suspension does not continue in force after the expiry of 30 sitting days.

Appointment of acting Ombudsman without recommendation of Legislature

7 (1) The Lieutenant Governor in Council may appoint an acting Ombudsman

(a) if

(i) the Ombudsman is suspended or removed, or

(ii) the office of Ombudsman becomes vacant for a reason other than by operation of subsection (2) (c),

when the Legislature is sitting but it does not make a recommendation under section 2 or 6 (3) before the end of that sitting or before an adjournment of the Legislature exceeding 5 days,

(b) if the Ombudsman is suspended or the office of Ombudsman becomes vacant when the Legislature is not sitting and is not ordered to sit within the next 5 days, or

(c) if the Ombudsman is temporarily ill or temporarily absent for another reason.

(2) The appointment of an acting Ombudsman under subsection (1) terminates

(a) on the appointment of a new Ombudsman under section 2,

(b) at the end of the period of suspension of the Ombudsman,

(c) immediately after the expiry of 30 sitting days after the day on which the Ombudsman was appointed,

(d) on the appointment of an acting Ombudsman under section 6 (3), or

(e) on the return to office of the Ombudsman from temporary illness or absence,

whichever occurs first.

Staff

8 (1) In accordance with the *Public Service Act,* the Ombudsman may appoint employees necessary to perform the duties of the office.
(2) For the purposes of the application of the *Public Service Act* to this section, the Ombudsman is a deputy minister.
(3) The Ombudsman may make a special report to the Legislative Assembly if the Ombudsman believes
(a) the amounts and establishment provided for the office of the Ombudsman in the estimates, or
(b) the services provided to the Ombudsman by the Public Service Employee Relations Commission
are inadequate to enable the Ombudsman to fulfil the duties of the office.

Confidentiality

9 (1) Before beginning to perform the duties of the office, the Ombudsman must take an oath before the Clerk of the Legislative Assembly
(a) to faithfully and impartially exercise the powers and perform the duties of the office, and
(b) not to divulge any information received under this Act, except if permitted by this Act.
(2) A person on the staff of the Ombudsman must, before beginning to perform duties, take an oath before the Ombudsman not to divulge any information received under this Act except if permitted by this Act.
(3) For the purposes of subsection (2) the Ombudsman is a commissioner for taking affidavits for British Columbia.
(4) The Ombudsman and every person on the staff of the Ombudsman must, subject to this Act, maintain confidentiality in respect of all matters that come to their knowledge in performing their duties under this Act.
(5) The Ombudsman or a person holding an office or appointment under the Ombudsman must not give or be compelled to give evidence in a court or in proceedings of a judicial nature in respect of anything coming to his or her knowledge in the exercise of duties under this Act, except
(a) to enforce the Ombudsman's powers of investigation,
(b) to enforce compliance with this Act, or
(c) with respect to a trial of a person for perjury.
(6) An investigation under this Act must be conducted in private unless the Ombudsman considers that there are special circumstances in which public knowledge is essential in order to further the investigation.
(7) Despite this section, the Ombudsman may disclose or authorize a member of his or her staff to disclose a matter that, in the opinion of the Ombudsman, is necessary to
(a) further an investigation,
(b) prosecute an offence under this Act, or
(c) establish grounds for conclusions and recommendations made in a report under this Act.

Powers and duties of Ombudsman in administrative matters

10 (1) The Ombudsman, with respect to a matter of administration, on a complaint or on the Ombudsman's own initiative, may investigate

(a) a decision or recommendation made,

(b) an act done or omitted, or

(c) a procedure used

by an authority that aggrieves or may aggrieve a person.

(2) The powers and duties conferred on the Ombudsman may be exercised and performed despite a provision in an Act to the effect that

(a) a decision, recommendation or act is final,

(b) no appeal lies in respect of it, or

(c) a proceeding or decision of the authority whose decision, recommendation or act it is must not be challenged, reviewed, quashed or called into question.

(3) The Legislative Assembly or any of its committees may at any time refer a matter to the Ombudsman for investigation and report.

(4) The Ombudsman must

(a) investigate the matter referred under subsection (3), so far as it is within the Ombudsman's jurisdiction and subject to any special directions, and

(b) report back as the Ombudsman thinks fit.

(5) Sections 23 to 26 do not apply in respect of an investigation or report made under subsection (4).

Jurisdiction of Ombudsman

11 (1) This Act does not authorize the Ombudsman to investigate a decision, recommendation, act or omission

(a) in respect of which there is under an enactment a right of appeal or objection or a right to apply for a review on the merits of the case to a court or tribunal constituted by or under an enactment, until after that right of appeal, objection or application has been exercised or until after the time limit for the exercise of that right has expired, or

(b) of a person acting as a solicitor for an authority or acting as counsel to an authority in relation to a proceeding.

(2) The Ombudsman may investigate conduct occurring before the commencement of this Act.

(3) If a question arises about the Ombudsman's jurisdiction to investigate a case or class of cases under this Act, the Ombudsman may apply to the Supreme Court for a declaratory order determining the question.

Complaint to Ombudsman

12 (1) A complaint under this Act may be made by a person or group of persons.

(2) A complaint must be in writing.

(3) If a communication written by or on behalf of a person confined in a federal or Provincial correctional institution or to a hospital or facility operated by or under the direction of an authority, or by a person in the custody of another person for any reason, is addressed to the Ombudsman the person in charge of the institution, hospital or facility in which the writer is confined or the person having custody of the writer must immediately, mail or forward the communication, unopened, to the Ombudsman.

(4) A communication from the Ombudsman to a person confined or in custody as described in subsection (3) must be forwarded to that person in a similar manner.

(5) Subsections (3) and (4) apply despite any other enactment.

Refusal to investigate

13 The Ombudsman may refuse to investigate or cease investigating a complaint if, in the opinion of the Ombudsman, any of the following apply:

(a) the complainant or person aggrieved knew or ought to have known of the decision, recommendation, act or omission to which the complaint refers more than one year before the complaint was received by the Ombudsman;

(b) the subject matter of the complaint primarily affects a person other than the complainant and the complainant does not have sufficient personal interest in it;

(c) the law or existing administrative procedure provides a remedy adequate in the circumstances for the person aggrieved, and, if the person aggrieved has not availed himself or herself of the remedy, there is no reasonable justification for the failure to do so;

(d) the complaint is frivolous, vexatious, not made in good faith or concerns a trivial matter;

(e) having regard to all the circumstances, further investigation is not necessary in order to consider the complaint;

(f) in the circumstances, investigation would not benefit the complainant or person aggrieved;

(g) the complainant has abandoned the complaint

(i) by failing to advise the Ombudsman of a current address or telephone number at which the Ombudsman can contact him or her, or

(ii) by failing to respond after a reasonable number of attempts by the Ombudsman to contact him or her in writing or verbally;

(h) the complaint is withdrawn by the complainant by notice to the Ombudsman;

(i) the complaint is settled under section 14.

Ombudsman to notify authority

14 (1) If the Ombudsman investigates a matter, the Ombudsman must notify the authority affected and any other person the Ombudsman considers appropriate to notify in the circumstances.

(2) At any time during or after an investigation the Ombudsman may consult with an authority to attempt to settle the complaint, or for any other purpose.

(3) If before making a decision respecting a matter being investigated the Ombudsman receives a request for consultation from the authority, the Ombudsman must consult with the authority.

Power to obtain information

15 (1) The Ombudsman may receive and obtain information from the persons and in the manner the Ombudsman considers appropriate, and in the Ombudsman's discretion may conduct hearings.
(2) Without restricting subsection (1), but subject to this Act, the Ombudsman may do one or more of the following:

(a) at any reasonable time enter, remain on and inspect all of the premises occupied by an authority, talk in private with any person there and otherwise investigate matters within the Ombudsman's jurisdiction;
(b) require a person to furnish information or produce, at a time and place the Ombudsman specifies, a document or thing in the person's possession or control that relates to an investigation, whether or not that person is a past or present member or employee of an authority and whether or not the document or thing is in the custody or under the control of an authority;
(c) make copies of information furnished or a document or thing produced under this section;
(d) summon before the Ombudsman and examine on oath any person who the Ombudsman believes is able to give information relevant to an investigation, whether or not that person is a complainant or a member or employee of an authority, and for that purpose may administer an oath;
(e) receive and accept, on oath or otherwise, evidence the Ombudsman considers appropriate, whether or not it would be admissible in a court.

(3) If the authority requests the return of a document or thing obtained under subsection (2), the Ombudsman must return it to the authority within 48 hours after receiving the request, but the Ombudsman may again require its production in accordance with this section.

Protection

16 A person must not discharge, suspend, expel, intimidate, coerce, evict, impose any pecuniary or other penalty on or otherwise discriminate against a person because that person complains, gives evidence or otherwise assists in the investigation, inquiry or reporting of a complaint or other proceeding under this Act.

Opportunity to make representations

17 If it appears to the Ombudsman that there may be sufficient grounds for making a report or recommendation under this Act that may adversely affect an authority or person, the Ombudsman must, before deciding the matter,

(a) inform the authority or person of the grounds, and
(b) give the authority or person the opportunity to make representations, either orally or in writing at the discretion of the Ombudsman.

Attorney General may restrict investigative powers

18 (1) The Ombudsman must not enter any premises and must not require any information or answer to be given or any document or thing to be produced if the Attorney General certifies that entering the premises, giving the information, answering the question or producing the document or thing might

(a) interfere with or impede the investigation or detection of an offence,
(b) result in or involve the disclosure of deliberations of the Executive Council, or
(c) result in or involve the disclosure of proceedings of the Executive Council or a committee of it, relating to matters of a secret or confidential nature and that the disclosure would be contrary or prejudicial to the public interest.

(2) The Ombudsman must report each certificate of the Attorney General to the Legislative Assembly not later than in the Ombudsman's next annual report.

Application of other laws respecting disclosure

19 (1) Subject to section 18, a rule of law that authorizes or requires the withholding of a document or thing, or the refusal to disclose a matter in answer to a question, on the ground that the production or disclosure would be injurious to the public interest does not apply to production of the document or thing or the disclosure of the matter to the Ombudsman.

(2) Subject to section 18 and to subsection (4), a person who is bound by an enactment to maintain confidentiality in relation to or not to disclose any matter must not be required to supply any information to or answer any question put by the Ombudsman in relation to that matter, or to produce to the Ombudsman any document or thing relating to it, if compliance with that requirement would be in breach of the obligation of confidentiality or nondisclosure.

(3) Subject to section 18 but despite subsection (2), if a person is bound to maintain confidentiality in respect of a matter only because of an oath under the *Public Service Act* or a rule of law referred to in subsection (1), the person must disclose the information, answer questions and produce documents or things on the request of the Ombudsman.

(4) Subject to section 18, after receiving a complainant's consent in writing, the Ombudsman may require a person described in subsection (2) to, and that person must, supply information, answer any question or produce any document or thing required by the Ombudsman that relates only to the complainant.

Privileged information

20 (1) Subject to section 19, a person has the same privileges in relation to giving information, answering questions or producing documents or things to the Ombudsman as the person would have with respect to a proceeding in a court.

(2) Except on the trial of a person for perjury or for an offence under this Act, evidence given by a person in proceedings before the Ombudsman and evidence of the existence of the proceedings is inadmissible against that person in a court or in any other proceeding of a judicial nature.

Witness and information expenses

21 (1) A person examined under section 15 (2) (d) is entitled to the same fees, allowances and expenses as if the person were a witness in the Supreme Court.

(2) If a person incurs expenses in complying with a request of the Ombudsman for production of documents or other information, the Ombudsman may reimburse that person for reasonable expenses incurred that are not covered under subsection (1).

If investigation is refused or discontinued or complaint is not substantiated

22 (1) If the Ombudsman decides

(a) not to investigate or further investigate a complaint under section 13, or

(b) at the conclusion of an investigation, that the complaint has not been substantiated,

the Ombudsman must

(c) record the decision in writing, and

(d) as soon as is reasonable, notify both the complainant and the authority of the decision and the reasons for it.

(2) The reasons provided under subsection (1) (d) with respect to a decision referred to in subsection (1) (b) must be in writing.

(3) The Ombudsman may indicate with the notification under subsection (1) (d) any other recourse that may be available to the complainant.

Procedure after investigation

23 (1) If, after completing an investigation, the Ombudsman is of the opinion that

(a) a decision, recommendation, act or omission that was the subject matter of the investigation was

(i) contrary to law,

(ii) unjust, oppressive or improperly discriminatory,

(iii) made, done or omitted under a statutory provision or other rule of law or practice that is unjust, oppressive or improperly discriminatory,

(iv) based wholly or partly on a mistake of law or fact or on irrelevant grounds or consideration,

(v) related to the application of arbitrary, unreasonable or unfair procedures, or

(vi) otherwise wrong,

(b) in doing or omitting an act or in making or acting on a decision or recommendation, an authority

(i) did so for an improper purpose,

(ii) failed to give adequate and appropriate reasons in relation to the nature of the matter, or

(iii) was negligent or acted improperly, or

(c) there was unreasonable delay in dealing with the subject matter of the investigation,

the Ombudsman must report that opinion and the reasons for it to the authority and may make the recommendation the Ombudsman considers appropriate.

(2) Without restricting subsection (1), the Ombudsman may recommend that

(a) a matter be referred to the appropriate authority for further consideration,

(b) an act be remedied,

(c) an omission or delay be rectified,

(d) a decision or recommendation be cancelled or changed,

(e) reasons be given,

(f) a practice, procedure or course of conduct be altered,

(g) an enactment or other rule of law be reconsidered, or

(h) any other steps be taken.

Authority to notify Ombudsman of steps taken

24 (1) If a recommendation is made under section 23, the Ombudsman may request the authority

(a) to notify the Ombudsman within a specified time of the steps that have been or are proposed to be taken to give effect to the recommendation, or

(b) if no steps have been or are proposed to be taken, the reasons for not following the recommendation.

(2) If, after considering a response made by an authority under subsection (1), the Ombudsman believes it advisable to modify or further modify the recommendation, the Ombudsman must notify the authority of the recommendation as modified and may request that the authority notify the Ombudsman

(a) of the steps that have been or are proposed to be taken to give effect to the modified recommendation, or

(b) if no steps have been or are proposed to be taken, of the reasons for not following the modified recommendation.

Report of Ombudsman if no suitable action taken

25 (1) If within a reasonable time after a request has been made under section 24 no action is taken that the Ombudsman believes adequate or appropriate, the Ombudsman, after considering any reasons given by the authority, may submit a report of the matter to the Lieutenant Governor in Council and, after that, may make a report to the Legislative Assembly respecting the matter as the Ombudsman considers appropriate.
(2) The Ombudsman must attach to a report under subsection (1) a copy of the Ombudsman's recommendation and any response made to it under section 24, but the Ombudsman must delete from the recommendation and from the response any material that would unreasonably invade any person's privacy, and may delete material revealing the identity of a member, officer or employee of an authority.

Complainant to be informed

26 (1) If the Ombudsman makes a recommendation under section 23 or 24 and no action that the Ombudsman believes adequate or appropriate is taken within a reasonable time, the Ombudsman

(a) must inform the complainant of the recommendation and

(b) may make additional comments the Ombudsman considers appropriate.

(2) The Ombudsman must in every case inform the complainant within a reasonable time of the result of the investigation.

No hearing as of right

27 A person is not entitled as of right to a hearing before the Ombudsman except as provided in this Act.

Ombudsman not subject to review

28 Proceedings of the Ombudsman must not be challenged, reviewed or called into question by a court, except on the ground of lack or excess of jurisdiction.

Proceedings privileged

29 (1) Proceedings do not lie against the Ombudsman or against a person acting under the authority of the Ombudsman for anything done in good faith, reported or said in the course of the exercise or purported exercise of duties under this Act.
(2) For the purposes of any Act or law respecting libel or slander,

(a) anything said, all information supplied and all documents and things produced in the course of an inquiry or proceeding before the Ombudsman under this Act are privileged to the same extent as if the inquiry or proceeding were a proceeding in a court, and

(b) a report made by the Ombudsman and a fair and accurate account of the report in a newspaper, periodical publication or broadcast is privileged to the same extent as if the report of the Ombudsman were the order of a court.

Delegation of powers

30 (1) The Ombudsman may in writing delegate to a person or class of persons any of the Ombudsman's powers or duties under this Act, except the power

(a) to delegate under this section,

(b) to make a report under this Act, and

(c) to require a production or disclosure under section 19 (1).

(2) A delegation under this section is revocable at will and does not prevent the Ombudsman from exercising the delegated power at any time.
(3) A delegation may be made subject to terms the Ombudsman considers appropriate.
(4) If the Ombudsman by whom a delegation is made ceases to hold office, the delegation continues in effect so long as the delegate continues in office or until revoked by a succeeding Ombudsman.

(5) A person purporting to exercise power of the Ombudsman through a delegation under this section must, when requested to do so, produce evidence of the person's authority to exercise the power.

Annual and special reports

31 (1) The Ombudsman must report annually on the affairs of the Ombudsman's office to the Speaker of the Legislative Assembly.
(2) The Speaker must lay the report before the Legislative Assembly as soon as possible.
(3) If the Ombudsman considers it to be in the public interest or in the interest of a person or authority, the Ombudsman may make a special report to the Legislative Assembly or comment publicly about a matter relating generally to the exercise of the Ombudsman's duties under this Act or to a particular case investigated by the Ombudsman.

Offences

32 A person commits an offence who does any of the following:

(a) without lawful justification or excuse, intentionally obstructs, hinders or resists the Ombudsman or another person in the exercise of a power conferred or a duty imposed under this Act;
(b) without lawful justification or excuse, refuses or intentionally fails to comply with a lawful requirement of the Ombudsman or another person under this Act;
(c) intentionally makes a false statement to or misleads or attempts to mislead the Ombudsman or another person in the exercise of a power conferred or a duty imposed under this Act;
(d) violates an oath taken under this Act;
(e) contravenes section 16.

Other remedies

33 The provisions of this Act are in addition to the provisions of any other enactment or rule of law under which

(a) a remedy, right of appeal or objection is provided, or
(b) a procedure is provided for inquiry into or investigation of a matter,

and nothing in this Act limits or affects that remedy, right of appeal, objection or procedure.

Rules

34 (1) On its own initiative or on the recommendation of the Lieutenant Governor in Council the Legislative Assembly may make rules for the guidance of the Ombudsman in exercising the powers and performing the duties of the office.
(2) Subject to this Act and any rules made under subsection (1), the Ombudsman may determine the Ombudsman's procedure and the procedure for the members of the Ombudsman's staff in exercising of the powers conferred and performing the duties imposed by this Act.

Additions to Schedule

35 The Lieutenant Governor in Council may, by order, add authorities to the Schedule.

Schedule
Authorities

1. Ministries of the government.
2. A person, corporation, commission, board, bureau or authority who is or the majority of the members of which are, or the majority of the members of the board of management or board of directors of which are,
   (a) appointed by an Act, minister, the Lieutenant Governor in Council,
   (b) in the discharge of their duties, public officers or servants of the government, or
   (c) responsible to the government.
3. A corporation the ownership of which or a majority of the shares of which is vested in the government.
4. Municipalities.
5. Regional districts.
6. The Islands Trust established under the *Islands Trust Act.*
7. Improvement districts as defined in the *Local Government Act.*
8. The Capital Improvement District under the *Capital Commission Act.*
9. Boards, committees, commissions or similar bodies established under the *Local Government Act* or *Vancouver Charter;*
10. The Resort Municipality of Whistler and the Whistler Resort Association.
11. A local trust committee, the Trust Council, the Trust Fund Board and the executive committee and persons to whom their powers are delegated under the *Islands Trust Act.*
12. Library boards as defined in the *Library Act.*
13. Regional parks boards established under the *Parks (Regional) Act* and the Cultus Lake Park Board.
14. A greater board as defined in the *Local Government Act.*
15. Development districts, water users' communities, comptroller and regional water manager under the *Water Act.*
16. The commissioners of a district defined in section 58 of the *Drainage, Ditch and Dike Act* and an engineer, commissioner, inspector of dikes or land settlement board acting under that Act.
17. The British Columbia Diking Authority and a diking authority under the *Dike Maintenance Act.*
18. The Okanagan Kootenay Sterile Insect Release Board.
19. Regional transit commissions established under the *British Columbia Transit Act.*
20. A corporation
    (a) more than 50% of the issued voting shares of which are owned by one or more of the authorities listed in section 4 to 19 or this section, or
    (b) that is controlled by one or more of the authorities listed in section 4 to 19 and, for the purposes of ascertaining control, a corporation is controlled by one or more of these authorities if a majority of the members of the corporation or of its board of directors or board of management consists of either or both of the following:
        (i) persons appointed as members by the authorities;
        (ii) officers or employees of an authority acting as such.
21. Schools and boards as defined in the *School Act.*

21.1 Francophone education authorities as defined in the *School Act* and francophone schools operated by francophone education authorities.

22. Universities as defined in the *University Act.*
23. The University of Northern British Columbia.
24. Royal Roads University.
25. Institutions as defined in the *College and Institute Act.*
26. Hospitals and boards of management of hospitals as defined in the *Hospital Act.*
27. Governing bodies of professional and occupational associations that are established or continued by an Act.
28. Regional Health Boards and Community Health Councils established under the *Health Authorities Act.*
29. Regional Hospital Districts under the *Hospital District Act.*
30. Technical University of British Columbia.
31. The Greater Vancouver Transportation Authority established under the *Greater Vancouver Transportation Authority Act.*